S T A T E O F N E W Y O R K

645--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SCHIMEL, JAFFEE, FINCH, ENGLEBRIGHT, McKEVITT, MONTESANO, COOK -- Multi-Sponsored by -- M. of A. CLARK, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the criminal enforcement of violations of the state's uniform fire prevention and building code

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 382 of the executive law, as amended by chapter 135 of the laws of 1997, is amended to read as follows:

2. (A). Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(B) ANY PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, OR CORPORATION OWNING, IN CONTROL OF, AGENT FOR, TENANT OF, OR OTHERWISE RESPONSIBLE FOR A PROPERTY OR BUILDING, HAVING BEEN SERVED, EITHER PERSONALLY OR PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES, WITH AN ORDER TO REMEDY AN IMMINENT LIFE SAFETY VIOLATION REQUIRING IMMEDIATE CURE, WHICH IS FOUND TO EXIST IN, ON, OR ABOUT THE PROPERTY OR ANY BUILDING ON THE PROPERTY IN VIOLATION OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE, WHO FAILS TO COMPLY WITH SUCH ORDER IMMEDIATELY MAY BE ORDERED TO VACATE THE PREMISES UNTIL SUCH IMMINENT LIFE SAFETY VIOLATION IS RESOLVED OR ANY OWNER, BUILDER, PROPERTY MANAGER, PROPERTY AGENT, ARCHITECT, TENANT, CONTRACTOR, SUBCONTRACTOR, CONSTRUCTION SUPERINTENDENT OR THEIR AGENTS OR ANY OTHER PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, OR CORPORATION PARTICIPATING OR ASSISTING IN EITHER THE CONSTRUCTION OF ANY BUILDING OR THE MAINTENANCE, CONTROL, OR OVERSIGHT OF A PROPERTY OR BUILDING WHO SHALL KNOWINGLY VIOLATE ANY OF THE APPLICABLE PROVISIONS OF THE UNIFORM CODE OR ANY LAWFUL ORDER OF A LOCAL GOVERNMENT, A COUNTY OR THE SECRETARY MADE THEREUNDER REGARDING STANDARDS FOR CONSTRUCTION, MAINTENANCE, OR FIRE PROTECTION, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS PER DAY OF VIOLATION, OR IMPRISONMENT NOT EXCEEDING ONE YEAR, OR BOTH. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECESSARY TO CARRY INTO EFFECT THE PROVISION OF THIS SUBDIVISION.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.