

8875--B

I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. PERRY, LUPINACCI, SCHIMEL, ZEBROWSKI, JAFFEE, AUBRY, CRESPO, SCARBOROUGH, COOK, RYAN, McDONOUGH, RAIA, GRAF, HIKIND, KEARNS, GOTTFRIED, HOOPER, MONTESANO, COLTON, GALEF -- Multi-Sponsored by -- M. of A. MARKEY, MAYER, McLAUGHLIN, RIVERA, SIMANOWITZ, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring the New York state uniform fire prevention and building code to address standards for the installation and maintenance of carbon monoxide detectors in restaurants and other commercial buildings; and to amend the administrative code of the city of New York, in relation to requiring the installation and maintenance of carbon monoxide detectors in restaurants and other commercial buildings

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

1 Section 1. This act shall be known and may be cited as "Steven
2 Nelson's law".
3 S 2. Section 378 of the executive law is amended by adding a new
4 subdivision 5-d to read as follows:
5 5-D. STANDARDS FOR INSTALLATION OF CARBON MONOXIDE DETECTORS REQUIRING
6 THAT THE OWNER OF EVERY BUILDING THAT HOUSES ONE OR MORE RESTAURANTS AND
7 THE OWNER OF EVERY COMMERCIAL BUILDING IN THE STATE SHALL HAVE INSTALLED
8 IN SUCH BUILDING AND SHALL MAINTAIN AN OPERABLE CARBON MONOXIDE DETECTOR
9 OF SUCH MANUFACTURE, DESIGN AND INSTALLATION STANDARDS AS ARE ESTAB-
10 LISHED BY THE COUNCIL. CARBON MONOXIDE DETECTORS REQUIRED BY THIS
11 SECTION ARE REQUIRED ONLY WHERE THE RESTAURANT OR COMMERCIAL BUILDING
12 HAS APPLIANCES, DEVICES OR SYSTEMS THAT MAY EMIT CARBON MONOXIDE OR HAS
13 AN ATTACHED GARAGE.
14 S 3. Section 27-981.2 of the administrative code of the city of New
15 York, as amended by local law number 7 of the city of New York for the
16 year 2004, is amended to read as follows:

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

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1 S 27-981.2 Carbon monoxide detecting devices; where required. a. Every
2 dwelling unit in a building within occupancy groups J-1, J-2 or J-3
3 where a fossil fuel-burning furnace or boiler is located, and every
4 dwelling unit in a building that is in close proximity to a source of
5 carbon monoxide, as such proximity is established by the rules promul-
6 gated by the commissioner in consultation with the fire department and
7 the department of health and mental hygiene, shall be equipped with an
8 operational carbon monoxide detecting device approved in accordance with
9 the rules promulgated by the commissioner in consultation with the fire
10 department and the department of health and mental hygiene, provided
11 that there shall be installed at least one approved and operational
12 carbon monoxide detecting device within fifteen feet of each room
13 lawfully used for sleeping purposes. Such carbon monoxide detecting
14 device may be combined with a smoke detecting device that complies with
15 the provisions of this title and any applicable rules promulgated there-
16 under.

17 b. In every building classified in occupancy group G or occupancy
18 group H-2, at least one approved and operational carbon monoxide detect-
19 ing device shall be installed in accordance with rules promulgated by
20 the commissioner in consultation with the fire department and the
21 department of health and mental hygiene.

22 c. IN EVERY BUILDING CLASSIFIED IN OCCUPANCY GROUPS F-1, F-3 AND F-4,
23 AT LEAST ONE APPROVED AND OPERATIONAL CARBON MONOXIDE DETECTING DEVICE
24 SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH RULES PROMULGATED
25 BY THE COMMISSIONER IN CONSULTATION WITH THE FIRE DEPARTMENT AND THE
26 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

27 D. The provisions of this article shall apply retroactively to every
28 building, in accordance with the provisions of subdivision a or subdivi-
29 sion b of this section, irrespective of when such building was
30 constructed or a certificate of occupancy for such building was issued.

31 [d.] E. The provisions of this article may be enforced by the depart-
32 ment, the fire department, the department of health and mental hygiene
33 and the department of housing preservation and development.

34 S 4. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law.