

6675--B

I N S E N A T E

February 26, 2014

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to notice requirements and enforcement for residential buildings with truss type, pre-engineered wood or timber construction

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

1 Section 1. The executive law is amended by adding a new section 382-b
2 to read as follows:
3 S 382-B. RESIDENTIAL BUILDINGS WITH TRUSS TYPE, PRE-ENGINEERED WOOD
4 OR TIMBER CONSTRUCTION; NOTICE REQUIREMENTS. 1. A. ANY PERSON UTILIZING
5 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION FOR THE ERECTION
6 OF ANY NEW RESIDENTIAL STRUCTURE, FOR ANY ADDITION TO AN EXISTING RESI-
7 DENTIAL STRUCTURE, OR FOR ANY REHABILITATION OF AN EXISTING RESIDENTIAL
8 STRUCTURE, SHALL, UPON APPLICATION FOR A BUILDING PERMIT WITH THE LOCAL
9 GOVERNMENT HAVING JURISDICTION, INCLUDE ON THE PERMIT APPLICATION THAT
10 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IS BEING
11 UTILIZED.
12 B. THE PROPERTY OWNER OR THE PROPERTY OWNER'S REPRESENTATIVE SHALL
13 COMPLETE A FORM PRESCRIBED BY THE COUNCIL DESIGNATING THE STRUCTURE AS
14 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION AND FILE SUCH
15 FORM WITH THE APPLICATION FOR A BUILDING PERMIT.
16 C. UPON RECEIVING THE APPLICATION FOR A BUILDING PERMIT AND A FORM
17 DESIGNATING THE STRUCTURE AS TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER
18 CONSTRUCTION, THE LOCAL GOVERNMENT HAVING JURISDICTION SHALL NOTIFY BY
19 CERTIFIED MAIL, FACSIMILE, E-MAIL OR OTHER ELECTRONIC MEANS, THE CHIEF
20 OF THE FIRE DISTRICT, FIRE DEPARTMENT OR FIRE COMPANY HAVING JURISDIC-
21 TION OVER THE STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR
22 HER DESIGNEE, THAT TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER
23 CONSTRUCTION IS BEING UTILIZED.

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

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1 D. AS A CONDITION OF THE FINAL RECEIPT OF A CERTIFICATE OF OCCUPANCY
2 OR CERTIFICATE OF COMPLETION, A SIGN OR SYMBOL DESIGNED AND APPROVED BY
3 THE COUNCIL SHALL BE AFFIXED TO ANY ELECTRIC BOX ATTACHED TO THE EXTERI-
4 OR OF THE STRUCTURE, IF ONE EXISTS.

5 E. THE PROPERTY OWNER OR HIS OR HER REPRESENTATIVE SHALL BE RESPONS-
6 BLE FOR MAINTAINING THE SIGN OR SYMBOL ON THE ELECTRIC BOX OF THE RESI-
7 DENCE, AS REQUIRED BY PARAGRAPH D OF THIS SUBDIVISION, AND SHALL REPLACE
8 THE SIGN OR SYMBOL WHEN ANY CHANGES OR MODIFICATIONS ARE MADE TO THE
9 ELECTRIC BOX OR THE SIGN OR SYMBOL IS DAMAGED.

10 2. A. THE LOCAL BUILDING DEPARTMENT OR LOCAL CODE ENFORCEMENT OFFICIAL
11 HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED
12 TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL CONSULT WITH THE COUNTY
13 FIRE COORDINATOR, LOCAL 911 AND EMERGENCY DISPATCHERS, AND THE LOCAL
14 FIRE PROTECTION PROVIDER OR ENTITY DEEMED PERTINENT TO DETERMINE THE
15 MANNER SUFFICIENT TO WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER
16 EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE, PRE-ENGINEERED WOOD
17 OR TIMBER CONSTRUCTION IN THE STRUCTURE.

18 B. THE CHIEF OF THE FIRE DISTRICT, FIRE DEPARTMENT, OR FIRE COMPANY
19 HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED
20 TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL USE THE INFORMATION
21 PROVIDED UNDER SUBDIVISION ONE OF THIS SECTION TO WARN PERSONS CONDUCT-
22 ING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF
23 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IN THE STRUCTURE.

24 C. THE OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT SHALL NOT BE LIABLE
25 CIVILLY OR CRIMINALLY FOR ANY FAILURE TO WARN PERSONS CONDUCTING FIRE
26 CONTROL OR OTHER EMERGENCY OPERATIONS EXCEPT IN INSTANCES OF WILLFUL
27 NEGLIGENCE OR MALFEASANCE.

28 3. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECES-
29 SARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION INCLUDING, BUT
30 NOT LIMITED TO, THE DIMENSIONS AND COLOR OF SUCH SIGN OR SYMBOL.

31 4. LOCAL GOVERNMENTS SHALL PROVIDE BY LOCAL LAW OR RESOLUTION FOR THE
32 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION, IF NECESSARY. LOCAL
33 GOVERNMENTS MAY PROVIDE FOR JOINT ENFORCEMENT OF THE PROVISIONS OF THIS
34 SECTION BY AGREEMENT PURSUANT TO ARTICLE FIVE-G OF THE GENERAL MUNICIPAL
35 LAW.

36 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A
37 POPULATION OF ONE MILLION OR MORE PERSONS.

38 S 2. The secretary of state, and the state fire administrator, shall
39 to the greatest extent practical make available, and incorporate into
40 existing uniform fire prevention and building code training, and other
41 fire safety training, educational information highlighting truss type,
42 pre-engineered wood or timber construction and safety precautions.

43 S 3. This act shall take effect on the first of January next succeed-
44 ing the date on which it shall have become a law; provided, however,
45 that effective immediately, the addition, amendment and/or repeal of any
46 rule or regulation necessary for the implementation of this act on its
47 effective date is authorized and directed to be made and completed with-
48 in 180 days after the date on which this act shall have become a law.