

1075

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, GRISANTI -- read twice and ordered printed,  
and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to enacting the "roadway  
excavation quality assurance act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "roadway excavation quality assurance act".

3 S 2. The labor law is amended by adding a new section 28 to read as  
4 follows:

5 S 28. WORKERS ON EXCAVATIONS. UTILITY COMPANIES OR THEIR CONTRACTORS,  
6 TO WHOM A PERMIT MAY BE ISSUED BY THE STATE, A COUNTY OR A MUNICIPALITY  
7 TO USE OR OPEN A STREET, SHALL BE REQUIRED, BEFORE SUCH PERMIT SHALL BE  
8 ISSUED, TO ENTER INTO AN AGREEMENT THAT ONLY COMPETENT WORKERS SKILLED  
9 IN THE WORK REQUIRED OF THEM, SHALL BE EMPLOYED ON THE PROJECT FOR WHICH  
10 SUCH PERMIT TO USE OR OPEN A STREET WAS ISSUED, AND THAT THE PREVAILING  
11 WAGE FOR SIMILAR TITLES AS ESTABLISHED BY THE FISCAL OFFICER PURSUANT TO  
12 SECTION TWO HUNDRED TWENTY OF THIS CHAPTER, BE PAID TO THOSE SO  
13 EMPLOYED. NO PERMIT SHALL BE ISSUED UNTIL SUCH AGREEMENT SHALL HAVE BEEN  
14 ENTERED INTO WITH THE APPROPRIATE STATE, COUNTY OR MUNICIPAL AGENCY, AND  
15 ALL PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL  
16 INCLUDE THEREIN A COPY OF THIS SECTION. WHEN PERMITS ARE ISSUED TO  
17 UTILITY COMPANIES OR THEIR CONTRACTORS, THE POWER TO ENFORCE THE TERMS  
18 OF THIS SECTION SHALL BE VESTED WITH THE DEPARTMENT CONSISTENT WITH THE  
19 PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THIS CHAPTER.

20 S 3. This act shall take effect on the thirtieth day after it shall  
21 have become a law.

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

LBD00709-01-3