

291--B

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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 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:

1 Section 1. Subdivision 2 of section 382 of the executive law, as
2 amended by chapter 135 of the laws of 1997, is amended to read as
3 follows:
4 2. [Any person, having been served, either personally or by registered
5 or certified mail, with an order to remedy any condition found to exist
6 in, on, or about any building in violation of the uniform fire
7 prevention and building code, who shall fail to comply with such order
8 within the time fixed by the regulations promulgated by the secretary
9 pursuant to subdivision one of section three hundred eighty-one of this
10 article, such time period to be stated in the order, and]
11 (A) ANY PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNER-
12 SHIP, OR CORPORATION OWNING, IN CONTROL OF, AGENT FOR, TENANT OF, OR
13 OTHERWISE RESPONSIBLE FOR A PROPERTY OR BUILDING, HAVING BEEN SERVED,
14 EITHER PERSONALLY OR PURSUANT TO SUBDIVISION FOUR OF SECTION THREE
15 HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES, WITH AN ORDER TO
16 REMEDY ANY CONDITION FOUND TO EXIST IN, ON, OR ABOUT THE PROPERTY OR ANY
17 BUILDING ON THE PROPERTY IN VIOLATION OF THE UNIFORM FIRE PREVENTION AND
18 BUILDING CODE, WHO FAILS TO COMPLY WITH SUCH ORDER WITHIN THE TIME STAT-
19 ED THEREIN OR any owner, builder, PROPERTY MANAGER, PROPERTY AGENT,

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

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1 architect, tenant, contractor, subcontractor, construction superinten-
2 dent or their agents or any other person [taking part or assisting in
3 the construction of any building], LIMITED LIABILITY COMPANY, LIMITED
4 LIABILITY PARTNERSHIP, OR CORPORATION PARTICIPATING OR ASSISTING IN
5 EITHER THE CONSTRUCTION OF ANY BUILDING OR THE MAINTENANCE, CONTROL, OR
6 OVERSIGHT OF A PROPERTY OR BUILDING who [shall] knowingly [violate]
7 VIOLATES any of the applicable provisions of the uniform code or any
8 lawful order of a local government, a county or the secretary made ther-
9 eunder regarding standards for construction, maintenance, or fire
10 protection [equipment and systems, shall be], IS GUILTY OF A MISDEMEA-
11 NOR, punishable by a fine of not more than one thousand dollars per day
12 of violation, or imprisonment not exceeding one year, or both.

13 (B) ANY PERSON, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNER-
14 SHIP OR CORPORATION WHO OWNS, IS IN CONTROL OF, IS AN AGENT FOR, IS A
15 TENANT OF, OR IS OTHERWISE RESPONSIBLE FOR A PROPERTY OR BUILDING,
16 HAVING BEEN SERVED, EITHER PERSONALLY OR PURSUANT TO SUBDIVISION FOUR OF
17 SECTION THREE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES, WITH AN
18 ORDER TO REMEDY ANY CONDITION FOUND TO EXIST IN, ON, OR ABOUT THE PROP-
19 ERTY OR ANY BUILDING ON THE PROPERTY IN VIOLATION OF THE UNIFORM FIRE
20 PREVENTION AND BUILDING CODE, WHO FAILS TO COMPLY WITH SUCH ORDER WITHIN
21 THE TIME STATED THEREIN OR ANY OWNER, BUILDER, PROPERTY MANAGER, PROPER-
22 TY AGENT, ARCHITECT, TENANT, CONTRACTOR, SUBCONTRACTOR, CONSTRUCTION
23 SUPERINTENDENT OR THEIR AGENTS OR ANY OTHER PERSON, LIMITED LIABILITY
24 COMPANY, LIMITED LIABILITY PARTNERSHIP, OR CORPORATION PARTICIPATING OR
25 ASSISTING IN EITHER THE CONSTRUCTION OF ANY BUILDING OR THE MAINTENANCE,
26 CONTROL, OR OVERSIGHT OF A PROPERTY OR BUILDING WHO VIOLATES ANY OF THE
27 APPLICABLE PROVISIONS OF THE UNIFORM CODE OR ANY LAWFUL ORDER OF A LOCAL
28 GOVERNMENT, A COUNTY OR THE SECRETARY MADE THEREUNDER REGARDING STAND-
29 ARDS FOR CONSTRUCTION, MAINTENANCE, OR FIRE PROTECTION, IS GUILTY OF A
30 VIOLATION, PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS
31 PER DAY OF VIOLATION, OR IMPRISONMENT NOT EXCEEDING FIFTEEN DAYS, OR
32 BOTH.

33 S 2. This act shall take effect on the ninetieth day after it shall
34 have become a law.