STATE OF NEW YORK

8579

2017-2018 Regular Sessions

IN ASSEMBLY

July 10, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to protecting pedestrians from open cellar doors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general obligations law is amended by adding a new section 9-107 to read as follows:

§ 9-107. Duty to warn against and guard from open cellar doors; property occupants' duties. 1. Every owner, lessee, tenant, occupant, or other person, having charge of any building abutting any street where the sidewalk is paved, shall have a duty to warn against and guard pedestrians from an open cellar door or grate located in or on such sidewalk. Adequate safeguards may include, but shall not be limited to, a barrier of traffic cones around the opening.

2. Any person violating the provisions of subdivision one of this section shall be liable and responsible for a civil penalty of not less than one hundred dollars nor more than one hundred fifty dollars for the first violation, except that for a second violation of subdivision one within any twelve-month period such person shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than two hundred fifty dollars and for a third or subsequent violation of subdivision one within any twelve-month period such person shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than three hundred fifty dollars.

§ 2. This act shall take effect immediately.

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

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