

STATE OF NEW YORK

5316

2017-2018 Regular Sessions

IN SENATE

March 21, 2017

Introduced by Sen. ALCANTARA -- (at request of the Department of Labor)
-- 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 the safety of amusement
devices at places of public accommodation

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

1 Section 1. Subdivision 1 of section 870-a of the labor law, as amended
2 by chapter 643 of the laws of 1986, is amended to read as follows:

3 1. The purpose of this article is to guard against personal injuries
4 in the assembly, disassembly and use of amusement devices, viewing
5 stands and tents at carnivals, fairs and amusement parks and amusement
6 devices at places of public accommodation to persons employed at or
7 attending the same, and, in the event of a personal injury, to insure to
8 the injured party the possibility of financial recovery as against the
9 owner of the carnival, fair [~~or~~], amusement park or place of public
10 accommodation where the injury occurred.

11 § 2. Subdivision 1 of section 870-b of the labor law, as amended by
12 chapter 643 of the laws of 1986, is amended to read as follows:

13 1. This article applies to amusement devices, viewing stands and tents
14 at carnivals, fairs and amusement parks where an admission or fee is
15 customarily or usually charged located within the state, to amusement
16 devices at places of public accommodation and to the managers of such
17 devices, to the persons employed in connection with the same and to
18 their employees.

19 § 3. Section 870-c of the labor law is amended by adding a new subdi-
20 vision 18 to read as follows:

21 18. "Places of public accommodation" means any commercial establish-
22 ments dealing with goods and services of any kind including those that
23 sell or provide food or beverages, including, but not limited to, shop-

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

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1 ping centers, malls, wholesale and retail stores, restaurants, bars, and
2 any other place designated by the commissioner.

3 § 4. Section 870-i of the labor law, as amended by chapter 643 of the
4 laws of 1986, is amended to read as follows:

5 § 870-i. Additional rule making. The commissioner may make additional
6 rules consistent with this article guarding against personal injuries in
7 the assembly, disassembly and use of amusement devices, viewing stands
8 and tents at carnivals, fairs and amusement parks and amusement devices
9 at places of public accommodation to persons employed at or to persons
10 attending the carnivals, fairs [~~and~~], amusement parks, and places of
11 public accommodation. Where the carnivals, fairs [~~and~~], amusement parks,
12 and places of public accommodation are located within the city of New
13 York, the department of buildings of the city of New York may also make
14 and enforce such additional rules.

15 § 5. Subdivision (a) of section 870-m of the labor law, as amended by
16 chapter 643 of the laws of 1986, is amended to read as follows:

17 (a) In the case of an amusement device, viewing stand or tent operated
18 in a carnival, fair [~~or~~], amusement park or place of public accommo-
19 dation located in a city having a population of over one million, a
20 permit or license issued by such city shall satisfy the requirements of
21 section eight hundred seventy-d of this article, provided that all the
22 requirements for issuance of a permit by the commissioner have been
23 satisfied.

24 § 6. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law.