STATE OF NEW YORK

2039

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. DILAN, HEVESI, D. ROSENTHAL, SAYEGH, COOK, ABINANTI, PICHARDO, REYES, HYNDMAN, McDONOUGH, WILLIAMS, GLICK, FERNANDEZ, COLTON, HUNTER, DICKENS, TAYLOR, BRAUNSTEIN, SEAWRIGHT -- Multi-Sponsored by -- M. of A. DE LA ROSA, SIMON -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to modular construction work

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

Section 1. The labor law is amended by adding a new section 241-c to read as follows:

§ 241-c. Modular construction work. 1. As used in this section:

(a) "Closed construction" shall mean any building, building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction.

(b) "Component" shall mean any sub-system, sub-assembly, or other system or fabrication designed for use in or as part of a structure, which may include woodwork, cases, cabinets or counters and the fabrication of electrical, plumbing, heating, cooling, ventilation, fire protection, exhaust duct systems, and mechanical insulation, or other systems affecting health and safety, designed and engineered for installation in the construction, repair, or renovation of a manufactured building.

(c) "Manufactured building" shall mean a structure consisting of one or more transportable sections of closed construction built within a manufacturing facility when such building is designed to be greater than six stories in height.

(d)"Manufacturing facility" shall mean the place or places at which machinery, equipment, and other materials are assembled and operated for the purposes of making, fabricating, forming, or assembling manufactured buildings or components.

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

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(e) "Modular construction" shall mean all aspects of the construction of a manufactured building.

(f) "Municipal" or "municipality" shall mean a city with a population of one million or more.

2. Modular construction shall comply with any existing municipal licensing requirements for all electrical, plumbing, and fire suppression work, including licensing requirements that require plumbing, fire suppression, and electrical work to be done under the direct and continuing supervision of a person licensed by such municipality, whether any phase of such construction is done within the geographical boundaries of such municipality or in a manufacturing facility located outside the municipality. No municipality shall exempt modular construction from any such licensing requirements and shall consider all phases of such modular construction the same as conventional construction erected within the geographical boundaries of the municipality for purposes of such licensing requirements.

§ 2. Section 242 of the labor law, as amended by chapter 367 of the laws of 1969, is amended to read as follows:

§ 242. Application and enforcement of article. Notwithstanding any other law or regulation, local or general, the provisions of this article and the rules issued thereunder shall be applicable exclusively throughout the state and the commissioner shall have exclusive authority to enforce this article and the rules issued thereunder. Section two hundred forty-one-c of this article shall supersede any existing state or local law or rule except any requirements already existing under article twenty-one-b of the executive law; further, no municipality shall adopt a law or regulation which is intended to reduce the restrictions as set forth in section two hundred forty-one-c of this article.

§ 3. This act shall take effect immediately.