STATE OF NEW YORK

8970

IN SENATE

May 3, 2022

Introduced by Sen. HARCKHAM -- 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 safety requirements for the excavation of trenches in public works

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 222-b to read as follows:

§ 222-b. Safety requirements for the excavation of trenches in public works. No contract for public works involving an estimated expenditure in excess of twenty-five thousand dollars for the excavation of any trench or trenches five feet or more in depth, shall be awarded unless it contains a provision requiring submission by the contractor and acceptance by the state or municipality or by a registered civil or structural engineer, employed by the state or municipality, to whom authority to accept has been delegated, in advance of excavation, of a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation of such trench or trenches. Nothing in this section shall be deemed to allow the use of a shoring, sloping, or protective system less effective than that required by the United States department of labor's occupational safety and health administration and the regulations under part twenty-three of title twelve of the New York codes, rules and regulations. A violation of this section shall be punishable by a fine of fifty thousand dollars.

§ 2. This act shall take effect immediately.

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

LBD14167-02-1