STATE OF NEW YORK

2024

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. HAWLEY, SMULLEN, ANGELINO, GALLAHAN, LEMONDES, MANKTELOW -- Multi-Sponsored by -- M. of A. BARCLAY, DiPIETRO, J. M. GIGLIO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the use of scaffolding and other devices for use by employees

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

Section 1. Subdivision 1 of section 240 of the labor law, as amended by chapter 241 of the laws of 1981, is amended to read as follows:

1. All contractors and owners and their agents, except **owners of farms,** owners of one and two-family dwellings **and owners of multiple dwellings** who contract for but do not direct or control the work, in the erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes, and other devices which shall be so constructed, placed and operated as to give proper protection to a person so employed.

No liability pursuant to this subdivision for the failure to provide protection to a person so employed shall be imposed on professional engineers as provided for in article one hundred forty-five of the education law, architects as provided for in article one hundred forty-seven of such law or landscape architects as provided for in article one hundred forty-eight of such law who do not direct or control the work for activities other than planning and design. This exception shall not diminish or extinguish any liability of professional engineers or architects or landscape architects arising under the common law or any other provision of law.

§ 2. The opening paragraph of section 241 of the labor law, as amended by chapter 670 of the laws of 1980, is amended to read as follows:

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

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All contractors and owners and their agents, except **owners of farms,** owners of one and two-family dwellings **and owners of multiple dwellings** who contract for but do not direct or control the work, when constructing or demolishing buildings or doing any excavating in connection therewith, shall comply with the following requirements:

§ 3. This act shall take effect immediately.