

STATE OF NEW YORK

9128

2025-2026 Regular Sessions

IN ASSEMBLY

September 26, 2025

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Labor

AN ACT to amend the general municipal law, in relation to limiting liability for elevation-related construction accidents in Nassau and Suffolk counties

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

1 Section 1. Legislative findings. The Legislature finds that section
2 240 of the labor law, known as the "Scaffold Law," imposes absolute
3 liability on property owners and contractors for elevation-related acci-
4 dents regardless of worker negligence. This outdated framework, unique
5 to New York, has led to inflated insurance costs, deterred investment,
6 and burdened local governments and taxpayers on Long Island with
7 hundreds of millions in added project costs.

8 The Legislature further finds that local governments in Nassau and
9 Suffolk counties require relief from these disproportionate costs to
10 ensure affordable infrastructure, housing, and economic development.

11 § 2. The general municipal law is amended by adding a new section
12 103-h to read as follows:

13 § 103-h. Liability standard for construction projects in Nassau and
14 Suffolk counties. 1. Notwithstanding any inconsistent provision of law,
15 the liability standard under section two hundred forty of the labor law
16 shall not apply to public or private construction projects undertaken
17 within the counties of Nassau and Suffolk.

18 2. In such counties, liability for elevation-related construction
19 injuries shall be determined according to the principles of comparative
20 negligence set forth in article fourteen-A of the civil practice law and
21 rules.

22 3. Nothing in this section shall relieve employers or contractors of
23 their obligations under federal workplace safety standards, including

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

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1 the federal Occupational Safety and Health Act, or under other applica-
2 ble provisions of state law.
3 § 3. Severability. If any clause, sentence, paragraph, subdivision,
4 section or part of this act shall be adjudged by any court of competent
5 jurisdiction to be invalid, such judgment shall not affect, impair, or
6 invalidate the remainder thereof, but shall be confined in its operation
7 to the clause, sentence, paragraph, subdivision, section or part thereof
8 directly involved in the controversy in which such judgment shall have
9 been rendered. It is hereby declared to be the intent of the legislature
10 that this act would have been enacted even if such invalid provisions
11 had not been included herein.
12 § 4. This act shall take effect immediately.