

STATE OF NEW YORK

9633

IN ASSEMBLY

January 21, 2026

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

AN ACT to amend the labor law, the education law, the insurance law, the public housing law and the workers' compensation law, in relation to the scaffolding law; and to repeal subdivision 1 of section 240 and section 241 of the labor law relating thereto

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

- 1 Section 1. Subdivision 1 of section 240 of the labor law is REPEALED.
- 2 § 2. Section 241 of the labor law is REPEALED.
- 3 § 3. The opening paragraph of subdivision 3 of section 30 of the labor
- 4 law, as amended by chapter 90 of the laws of 2015, is amended to read as
- 5 follows:
- 6 Except for variations concerning provisions, rules, codes, orders or
- 7 any other matter affecting asbestos projects, mold projects or safety
- 8 and health standards for public employees, including but not limited to
- 9 projects covered by article thirty and section twenty-seven-a [~~and~~
- 10 ~~subdivision ten of section two hundred forty-one~~] of this chapter;
- 11 § 4. Paragraph d of subdivision 1 of section 372-a of the education
- 12 law, as added by chapter 624 of the laws of 1999, is amended to read as
- 13 follows:
- 14 d. Any contracts or leases entered into by the trustees of the state
- 15 university of New York pursuant to this section shall require the lessee
- 16 or contracting not-for-profit corporation to comply with the require-
- 17 ments of article fifteen-A of the executive law. Any contract or lease
- 18 for construction, rehabilitation, or other improvement authorized by
- 19 this section entered into by the trustees shall require the lessee or
- 20 contractor and/or subcontractor to comply with the requirements of
- 21 [~~section~~] sections two hundred twenty, two hundred thirty, two hundred
- 22 thirty-one[~~7~~] and two hundred forty [~~and two hundred forty-one~~] of the
- 23 labor law, where applicable, as well as sections one hundred one and one
- 24 hundred three of the general municipal law, where applicable;

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

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§ 5. The opening paragraph of paragraph 1 of subsection (e) of section 2304 of the insurance law, as added by chapter 135 of the laws of 1998, is amended to read as follows:

Premiums for workers' compensation insurance for employments classified under sections two hundred twenty~~[7]~~ and two hundred forty ~~[and two hundred forty-one]~~ of the labor law, provided such employments are classified under each of said sections, shall be established on the basis of payroll and a formula which provides appropriate credits, provided such credits shall not apply to payroll in excess of the payroll limitation amount set forth in subdivision two of section eighty-nine of the workers' compensation law and this subsection. With the exception of employments engaged in the construction of one or two family residential housing, premiums shall be calculated in accordance with the following limitations:

§ 6. The opening paragraph of paragraph 2 of subsection (e) of section 2304 of the insurance law, as amended by chapter 11 of the laws of 2008, is amended to read as follows:

The loss costs applicable to employments classified under sections two hundred twenty~~[7]~~ and two hundred forty ~~[and two hundred forty-one]~~ of the labor law, provided such employments are classified under each of said sections, shall be adjusted to reflect the payroll limitations required by this section as they separately affect such rates for work actually performed within each of the following geographic territories:

§ 7. Section 636 of the public housing law, as added by chapter 225 of the laws of 2022, is amended to read as follows:

§ 636. Additional requirements for alternative project delivery contracts. Construction performed under a contract entered into by the trust pursuant to this article shall be deemed a "public work" to be performed in accordance with the provisions of article eight of the labor law, including but not limited to the prevailing wage requirements set forth in section two hundred twenty of the labor law and the reporting, monitoring, and enforcement provisions of article eight of such law, as well as subject to sections two hundred, two hundred forty~~[two hundred forty-one]~~ and two hundred forty-two of the labor law, and for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract entered into pursuant to section six hundred thirty-four of this article, and undertaken pursuant to a project labor agreement, shall include a clause requiring the selected alternative project delivery contractor to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section six hundred thirty-four of this article, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with any such project labor agreement.

§ 8. Paragraph (a) of subdivision 2-c of section 25 of the workers' compensation law, as added by chapter 491 of the laws of 1995, is amended to read as follows:

(a) For the purposes of employments classified under sections two hundred twenty~~[7]~~ and two hundred forty ~~[and two hundred forty-one]~~ of the labor law, an employer and a recognized or certified exclusive bargaining representative of its employees may include within their collective bargaining agreement provisions to establish an alternative dispute resolution system to resolve claims arising under this chapter.

Any collective bargaining agreement or agreement entered into by the employee and an employer which purports to preempt any provision of this chapter or in any way diminishes or changes rights and benefits provided

1 under this chapter, except as expressly provided herein, shall be null,
2 void and unenforceable.

3 § 9. The opening paragraph of subdivision 2 of section 89 of the work-
4 ers' compensation law, as added by chapter 135 of the laws of 1998, is
5 amended to read as follows:

6 Premiums for construction classification employers shall be subject to
7 a payroll limitation on each construction classification subject to the
8 following transition program. For purposes of this section,
9 "construction classification" shall mean employments classified under
10 sections two hundred twenty[~~7~~] ~~and~~ two hundred forty [~~and two hundred~~
11 ~~forty-one~~] of the labor law, provided such employments are classified
12 under each of said sections, except that construction classification
13 shall not include any employments engaged in the construction of one or
14 two family residential housing.

15 § 10. This act shall take effect immediately.