



LONG ISLAND BUILDERS INSTITUTE

Advocating Responsible Building & Remodeling



February 14, 2013

The Honorable Andrew M. Cuomo
Governor of New York State NYS
State Capitol Building Albany, NY
12224

Honorable Jeffrey D. Klein
New York State Senate
Legislative Office Building, Room 913
Albany, NY 12247

Honorable Sheldon Silver, Speaker
NYS Assembly
LOB 932
Albany, NY 12248

Honorable Dean Skelos
New York State Senate
Legislative Office Building, Room 909
Albany, NY 12247

Dear Governor Cuomo, Majority Coalition Leader Skelos, Majority Coalition Leader Klein and Speaker Silver:

We are writing in support of S.111 and A.3104; legislation intended to reform the "Scaffold Law." The current law imposes a standard of absolute liability upon contractors and property owners for all "gravity related" injuries. The proposed legislation would replace the absolute liability standard with the fairer comparative negligence standard only in situations where a worker's injury is found to have been caused by that worker's failure to follow safety training or use available safety devices, intoxication, or commission of a crime. Meanwhile, negligent employers will still be held fully liable and the injured worker may still collect workers' compensation benefits.

While New York State is now on track in enacting policies and legislation to create a better business climate, more mandate relief such as modifying the "Scaffold Law" is needed in order to continue to grow the economy and create jobs. In fact, New York is the only state which retains this antiquated law from early in the last century. Thus, insurance costs for construction projects in New York are higher than anywhere else in the country and many small companies cannot afford policies. Reducing these costs would allow businesses to grow, spurring job creation and investment.

In addition to construction companies, high insurance costs also impact businesses and consumers that pay more to build commercial and residential projects, and our local governments and taxpayers that are forced to pay more for public infrastructure projects such as roads and bridges. Municipalities also bear the cost of judgments and settlements when they are sued under the "Scaffold Law."

Passage of S.111/A.3104 would result in reduced insurance costs, lower construction costs and higher job growth while doing nothing to impinge upon the workplace safeguards that have been established since the original passage of the "Scaffold Law." If we can be of any assistance, please do not hesitate to contact us. Thank you.

Sincerely,

Kevin S. Law
President & CEO
LIA

Desmond Ryan
Executive Director
ABLI

Mitch Pally
CEO
LIBI

Marc Herbst
Executive Director
LICA

cc: Senator John Bonacic, Chair of the Senate Judiciary Committee
Senator Patrick Gallivan
Assemblywoman Helene Weinstein, Chair of the Assembly Judiciary Committee
Assemblyman Joseph Morelle
Long Island State Senate and State Assembly Delegation