

NOTICE OF RULE IN DEVELOPMENT
(Technical amendments to 19 NYCRR Parts 1254 and 1265)

The Department of State is currently developing a rule that would make technical amendments to 19 NYCRR Parts 1264 and 1265. The Department of State invites public participation in the rule development process.

19 NYCRR Part 1264 implements Executive Law § 382-a. Executive Law § 382-a provides that all commercial and industrial structures that utilize truss type construction shall be marked by a sign or symbol in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of truss construction in the structure. Executive Law § 382-a also provides that the State Fire Prevention and Building Code Council (the Code Council) shall promulgate rules and regulations it deems necessary to carry into effect the provisions of this section 382-a.

19 NYCRR Part 1265 implements Executive Law § 382-b. Executive Law § 382-b provides that any person utilizing truss type, pre-engineered wood or timber construction for the erection of any new residential structure, for any addition to an existing residential structure, or for any rehabilitation of an existing residential structure must (1) notify the local government that will issue the building permit that truss type, pre-engineered wood or timber construction is being utilized and (2) affix a sign or symbol to the electric box, if any, on the exterior of the structure indicating that truss type, pre-engineered wood or timber construction has been used. Executive Law § 382-b provides that the form to be used to notify the local code official that truss type, pre-engineered wood or timber construction is to be used shall be prescribed by the Code Council and that the sign or symbol to be fixed to the electric box shall be as approved by the Code Council.

Parts 1264 and 1265 currently include references to provisions in the currently effective version of the State Uniform Fire Prevention and Building Code (the Uniform Code).

On March 9, 2016, the Code Council approved a rule that amends and updates the Uniform Code in its entirety. That rule becomes effective on October 3, 2016.

The current references in Parts 1264 and 1265 to provisions in the currently effective version of the Uniform Code will become obsolete on October 3, when the new version of the Uniform Code become effective.

The rule now being developed will update Parts 1264 and 1265 by changing the existing references to provisions in the currently effective version of the Uniform Code to references to the corresponding provisions in the new version of the Uniform Code.

The rule now being developed will make no substantive changes to Parts 1264 and 1265.

A draft of the rule now being development is available by [clicking here](#).

The Department of State invites all interested parties, particularly those representing small businesses, local governments, and public or private interests in rural areas, to participate in the rule development process. Interested parties are invited to submit comments on the draft rule. If you have suggestions on how the draft rule could be improved, suggested alternatives to the draft rule that the Department of State could consider, or any other comments on the draft rule, please contact Gerard Hathaway, Assistant Director for Code Development, by mail at New York State Department of State Division of Administration and Enforcement, 99 Washington Ave., Albany, NY 12231-0001; by telephone at (518)-474-4073; or by e mail at Gerard.Hathaway@dos.ny.gov.

Dated: August 16, 2016

NOTE: As of August 16, 2016, this draft rule has **not** yet been proposed or adopted.