

2009-2010 Regular Sessions

I N   S E N A T E

January 15, 2009

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Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to increasing permanent total disability benefits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 8 of the volunteer firefighters' benefit law, as  
2     amended by chapter 574 of the laws of 1998, is amended to read as  
3     follows:  
4     S 8. Permanent total disability benefits. In the case of total disa-  
5     bility adjudged to be permanent the volunteer firefighter shall be paid  
6     four hundred FIFTY dollars for each week during the continuance thereof.  
7     Permanent total disability, within the meaning of this section, shall  
8     exist only if the earning capacity of the volunteer firefighter has been  
9     lost permanently and totally as the result of the injury. The loss of  
10    both hands, or both arms, or both feet, or both legs, or both eyes, or  
11    any two thereof, shall, in the absence of conclusive proof to the  
12    contrary, constitute permanent total disability, but in all other cases  
13    permanent total disability shall be determined in accordance with the  
14    facts. Notwithstanding any other provisions of this chapter, an injured  
15    volunteer firefighter disabled due to the loss or total loss of use of  
16    both eyes, or both hands, or both arms, or both feet, or both legs, or  
17    any two thereof shall not suffer any diminution of such weekly benefit  
18    by engaging in business or employment provided his or her weekly earn-  
19    ings or wages, when combined with his or her weekly benefit shall not be  
20    in excess of six hundred dollars; and further provided that the applica-  
21    tion of this section shall not result in reduction of benefits which an  
22    injured volunteer firefighter who is disabled due to the loss or total  
23    loss of use of both eyes, or both hands, or both arms, or both feet, or

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

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1 both legs, or any two thereof would otherwise be entitled to under any  
2 other provisions of this article.

3 S 2. Section 8 of the volunteer ambulance workers' benefit law, as  
4 amended by chapter 574 of the laws of 1998, is amended to read as  
5 follows:

6 S 8. Permanent total disability benefits. In the case of total disa-  
7 bility adjudged to be permanent the volunteer ambulance worker shall be  
8 paid four hundred FIFTY dollars for each week during the continuance  
9 thereof. Permanent total disability, within the meaning of this section,  
10 shall exist only if the earning capacity of the volunteer ambulance  
11 worker has been lost permanently and totally as the result of the inju-  
12 ry. The loss of both hands, or both arms, or both feet, or both legs, or  
13 both eyes, or any two thereof, shall, in the absence of conclusive proof  
14 to the contrary, constitute permanent total disability, but in all other  
15 cases permanent total disability shall be determined in accordance with  
16 the facts. Notwithstanding any other provisions of this chapter, an  
17 injured volunteer ambulance worker disabled due to the loss or total  
18 loss of use of both eyes, or both hands, or both arms, or both feet, or  
19 both legs, or any two thereof shall not suffer any diminution of such  
20 weekly benefit by engaging in business or employment provided his or her  
21 weekly earnings or wages, when combined with his weekly benefit shall  
22 not be in excess of six hundred dollars; and further provided that the  
23 application of this section shall not result in reduction of benefits  
24 which an injured volunteer ambulance worker who is disabled due to the  
25 loss or total loss of use of both eyes, or both hands, or both arms, or  
26 both feet, or both legs, or any two thereof would otherwise be entitled  
27 to under any other provisions of this article.

28 S 3. This act shall take effect immediately.