

STATE OF NEW YORK

1220

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. BRONSON, PERRY, REYES -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to including a presumption of permanent total disability for certain individuals

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

1 Section 1. Subdivision 1 of section 15 of the workers' compensation
2 law, as amended by section 675 of the laws of 1977, is amended to read
3 as follows:
4 1. Permanent total disability. In case of total disability adjudged to
5 be permanent sixty-six and two-thirds per centum of the average weekly
6 wages shall be paid to the employee during the continuance of such total
7 disability. Loss of both hands, or both arms, or both feet, or both
8 legs, or both eyes, or of any two thereof, or inability to perform the
9 full range of sedentary work, or approval for federal social security
10 disability benefits as a result of the compensable accident or occupa-
11 tional disease shall, in the absence of conclusive proof to the contra-
12 ry, constitute permanent total disability. In all other cases permanent
13 total disability shall be determined in accordance with the facts.
14 Notwithstanding any other provision of this chapter, an injured employee
15 disabled due to the loss or total loss of use of both eyes, or both
16 hands, or both arms, or both feet, or both legs, or of any two thereof
17 shall not suffer any diminution of his compensation by engaging in busi-
18 ness or employment provided his earnings or wages, when combined with
19 his compensation, shall not be in excess of the wage base on which the
20 maximum weekly compensation benefit is computed under the law in effect
21 at time of such earning; further provided, that if the combination
22 exceeds such wage base, the compensation shall be diminished to an
23 amount which, together with his earnings or wages, shall equal the wage
24 base; and further provided that the application of this subdivision
25 shall not result in reduction of compensation which an injured employee

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

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1 who is disabled due to the loss or total loss of use of both eyes, or
2 both hands, or both arms, or both feet, or both legs or of any two ther-
3 eof, would otherwise be entitled to under any other provision of this
4 section.

5 § 2. This act shall take effect immediately.