

11555

I N   A S S E M B L Y

June 24, 2010

---

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver) --  
read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the definition of an  
independent worker

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

1     Section 1. Paragraph 3 of subsection (b) of section 1123 of the insurance  
2     law, as amended by a chapter of the laws of 2010, amending the  
3     insurance law relating to the definition of an independent worker, as  
4     proposed in legislative bills numbers S.7772 and A.11131, is amended to  
5     read as follows:

6     (3) "Independent worker" means an individual who: (A) is an independent  
7     contractor; (B) is self-employed; (C) works part-time; (D) obtains  
8     temporary work through an employment agency; (E) performs temporary work  
9     for two or more employers simultaneously; (F) is a domestic child care  
10    worker; or (G) [works] IS HIRED TO WORK full-time for a single employer  
11    [on a temporary basis] for a period not to exceed eighteen months if  
12    such employer does not offer group health insurance coverage to employees  
13    employed on such a temporary basis. An individual is not an independent  
14    worker if he or she is employed full-time by a single employer, with the  
15    exception of an individual who meets the requirements of clause  
16    (D), (F) or (G) of this paragraph.

17    S 2. Paragraph 3 of subsection (c) of section 1123 of the insurance  
18    law, as amended by a chapter of the laws of 2010, amending the insurance  
19    law relating to the definition of an independent worker, as proposed in  
20    legislative bills numbers S.7772 and A.11131, is amended to read as  
21    follows:

22    (3) Any eligible insurer seeking the superintendent's approval under  
23    paragraph two of this subsection shall submit a written request to the  
24    superintendent within thirty days of the effective date of this section.  
25    The eligible insurer's application shall: specify the identity and  
26    composition of the eligible association, the eligible association's  
27    membership rules [and any membership fees charged by the eligible association],  
28    and the terms under which the eligible insurer shall provide

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

LBD17880-01-0

1 group health insurance to the eligible association; demonstrate that the  
2 eligible insurer and the eligible association meet the requirements set  
3 forth in this section; and identify the group health insurance policy  
4 forms that the eligible insurer will issue to the eligible association.  
5 [An eligible association may charge individuals reasonable application  
6 and/or renewal fees for determining the individual's initial and ongoing  
7 eligibility for group health insurance obtained by the eligible associ-  
8 ation under this section.] The superintendent shall make a determination  
9 on any request within ninety days of receipt of all necessary informa-  
10 tion. The superintendent shall issue an approval to only one eligible  
11 insurer.

12 S 3. This act shall take effect on the same date and in the same  
13 manner as a chapter of the laws of 2010, amending the insurance law  
14 relating to the definition of an independent worker, as proposed in  
15 legislative bills numbers S.7772 and A.11131 takes effect.