S T A T E  O F  N E W  Y O R K

4444

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 4, 2009

Introduced by M. of A. MORELLE, ORTIZ, EDDINGTON, ZEBROWSKI, ESPAILLAT, SCHROEDER, GALEF, SWEENEY, SEMINERIO, FIELDS -- Multi-Sponsored by -- M. of A. BOYLAND, BRADLEY, CHRISTENSEN, CLARK, COLTON, DESTITO, GUNTHER, KOON, LIFTON, LUPARDO, MARKEY, McENENY, PHEFFER, RAMOS, REILLY, SCHIMMINGER, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law, in relation to the payment of benefits

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

Section 1. Section 8 of the volunteer firefighters' benefit law, as amended by chapter 574 of the laws of 1998, is amended to read as follows:

S 8. Permanent total disability benefits. 1. In the case of total disability adjudged to be permanent the volunteer firefighter shall be paid four hundred dollars for each week [during the continuance thereof]. Permanent total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer firefighter has been lost permanently and totally as the result of the injury. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability, but in all other cases permanent total disability shall be determined in accordance with the facts. Notwithstanding any other provisions of this chapter, an injured volunteer firefighter disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof shall not suffer any diminution of such weekly benefit by engaging in business or employment provided his or her weekly earnings or wages, when combined with his or her weekly benefit shall not be in excess of six hundred dollars; and further provided that the application of this section shall not result in reduction of benefits

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

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which an injured volunteer firefighter who is disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof would otherwise be entitled to under any other provisions of this article.

2. BENEFITS RECEIVED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AFTER JANUARY FIRST, TWO THOUSAND TEN SHALL BE ADJUSTED YEARLY ON FEBRUARY FIRST BY A PERCENTAGE EQUAL TO THE PERCENT INCREASE IN THE PREVIOUS YEAR'S CONSUMER PRICE INDEX.

S 2. Subdivision 5 of section 51 of the volunteer firefighters' benefit law, as renumbered by chapter 246 of the laws of 2006, is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. THE INSURANCE CARRIER OR ENTITY RESPONSIBLE FOR PAYING THE BENEFIT INCREASE PROVIDED IN SECTION EIGHT OF THIS CHAPTER SHALL CLAIM FOR SUCH BENEFIT INCREASE REIMBURSEMENT FROM THE SPECIAL FUND FOR REOPENED CASES COMMENCING ONE YEAR FROM THE DATE OF THE FIRST SUCH PAYMENT AND ANNUALLY THEREAFTER WHILE SUCH PAYMENTS CONTINUE, ON A FORM PRESCRIBED BY THE CHAIR.

S 3. This act shall take effect immediately and shall apply to weekly benefit periods that commence after January 1, 2010.