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

2173

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law and the workers' compensation law, in relation to workers' compensation benefits secured by the New York black car operators' injury compensation fund, inc.

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

Section 1. Subdivision 4 of section 160-cc of the executive law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

4. "Covered services" means ONLY A BLACK CAR OPERATOR WHO IS IN THE COURSE OF A DISPATCH, with respect to dispatches from or by a central dispatch facility located in the state, all dispatches from such central dispatch facility regardless of where the pick-up or discharge occurs, and, with respect to dispatches from or by a central dispatch facility located outside the state, all dispatches involving a pick-up in the state, regardless of where the discharge occurs.

S 2. Subdivisions 6, 7, 8 and 9 of section 160-cc of the executive law are renumbered subdivisions 7, 8, 9 and 10 and a new subdivision 6 is added to read as follows:

6. "DISPATCH" OR "DISPATCHES" SHALL MEAN A BLACK CAR OPERATOR WHO IS IN THE COURSE OF PICKING UP, TRANSPORTING OR DISCHARGING A PASSENGER OR PACKAGE OR OTHER ITEM AT THE EXPRESS DIRECTION OF A CENTRAL DISPATCH FACILITY OR SUCH OTHER MEANING AS ESTABLISHED BY REGULATION PROPOSED BY THE BOARD OF DIRECTORS OF THE FUND AND ADOPTED BY THE DEPARTMENT IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NN OF THIS ARTICLE.

S 3. The second undesignated paragraph of subdivision 3 of section 2 of the workers' compensation law, as amended by chapter 392 of the laws of 2008, is amended to read as follows:

Notwithstanding any other provision of this chapter, and for purposes of this chapter only, the employer of a black car operator PROVIDING COVERED SERVICES, as defined in article six-F of the executive law,

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

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shall, on and after the fund liability date, as defined in such article, be the New York black car operators' injury compensation fund, inc. created pursuant to such article.

S 4. The seventh undesignated paragraph of subdivision 4 of section 2 of the workers' compensation law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

Notwithstanding any other provision of this chapter, and for purposes of this chapter only, a black car operator PROVIDING COVERED SERVICES, as defined in article six-F of the executive law, shall, on and after the fund liability date, as defined in such article, be an "employee" of the New York black car operators' injury compensation fund, inc. created pursuant to such article.

S 5. The fourth undesignated paragraph of subdivision 5 of section 2 of the workers' compensation law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

Notwithstanding any other provision of this chapter, and for purposes of this chapter only, a black car operator PROVIDING COVERED SERVICES, as that term is defined in article six-F of the executive law, shall, on and after the fund liability date, as that term is defined in such article, be regarded as in the "employment" of the New York black car operators' injury compensation fund, inc. created pursuant to such article.

S 6. The fifth undesignated paragraph of section 11 of the workers' compensation law, as added by chapter 49 of the laws of 1999, is amended to read as follows:

The liability under this chapter of the New York black car operators' injury compensation fund, inc. shall be limited to: (i) securing the payment of workers' compensation in accordance with article six-F of the executive law to black car operators PROVIDING COVERED SERVICES, as defined in such article, whose injury arose out of and in the course of providing ONLY COVERED services for a central dispatch facility, as defined in such article, that is a registered member of such fund, and (ii) any statutory penalty resulting from the failure to secure such payment. The liability under this chapter of a central dispatch facility, as defined in article six-F of the executive law, that is a registered member of the New York black car operators' injury compensation fund, inc. that shall be limited to remaining a registered member in good standing of such fund and any statutory penalty, including loss of immunity provided by this section, resulting from the failure to become or remain a registered member in good standing of such fund, except, however, that such central dispatch facility shall be subject to the provisions of section one hundred thirty-one of this chapter and shall be liable for any payments for which it may become responsible pursuant to such section or pursuant to section fourteen-a of this chapter.

S 7. This act shall take effect immediately.