

2311--A

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sens. SAVINO, ADAMS, ADDABBO, BRESLIN, DIAZ, DILAN, DUANE, ESPADA, FOLEY, HASSELL-THOMPSON, HUNTLEY, KLEIN, MONSERRATE, OPPENHEIMER, PADAVAN, PARKER, PERKINS, SAMPSON, SCHNEIDERMAN, SERRANO, SQUADRON, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, the executive law and the workers' compensation law, in relation to establishing regulations regarding employment of domestic workers including hours of labor, wages and employment contracts

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

1 Section 1. Legislative findings and intent. Many thousands of domes-
2 tic workers are employed in New York state as housekeepers, nannies, and
3 companions to the elderly. The labor of domestic workers is central to
4 the ongoing prosperity that the state enjoys, and yet, despite the value
5 of their work, domestic workers do not receive the same protection of
6 many state laws as do workers in other industries. Domestic workers
7 often labor under harsh conditions, work long hours for low wages with-
8 out benefits or job security, are isolated in their workplaces, and are
9 endangered by sexual harassment and assault, as well as verbal,
10 emotional and psychological abuse. Moreover, many domestic workers in
11 the state of New York are women of color who, because of race and sex
12 discrimination, are particularly vulnerable to unfair labor practices.
13 The legislature finds that because domestic workers care for the most
14 important elements of their employers' lives, their families and homes,
15 it is in the interest of employees, employers, and the people of the

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

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1 state of New York to ensure that the rights of domestic workers are
2 respected, protected, and enforced.

3 Domestic workers have historically been excluded from many of the
4 traditional protections afforded by the labor law. Additionally, domes-
5 tic workers are not afforded by law the right to organize labor unions
6 for the purpose of collective bargaining. Given the limited legal
7 protections historically provided to domestic workers, and bearing in
8 mind the unique conditions and demands of this private home-based indus-
9 try, the legislature further finds that domestic workers are entitled to
10 industry-specific protections and labor standards.

11 S 2. The labor law is amended by adding a new article 19-C to read as
12 follows:

13 ARTICLE 19-C

14 LABOR STANDARDS FOR DOMESTIC WORKERS

15 SECTION 695. DEFINITIONS.

16 696. OTHER EMPLOYMENT CONDITIONS.

17 697. REMEDIES.

18 698. SEVERABILITY.

19 S 695. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS
20 SHALL HAVE THE FOLLOWING MEANINGS:

21 1. "DOMESTIC WORKER" MEANS A PERSON EMPLOYED IN A HOME OR RESIDENCE
22 FOR THE PURPOSE OF CARING FOR A CHILD, SERVING AS A COMPANION TO A SICK,
23 CONVALESCING OR ELDERLY PERSON, HOUSEKEEPING, OR FOR ANY OTHER DOMESTIC
24 SERVICE PURPOSE. "DOMESTIC WORKER" DOES NOT INCLUDE ANY INDIVIDUAL WHO
25 IS ENGAGED IN PROVIDING COMPANIONSHIP SERVICES, AS DEFINED IN S
26 213(A)(15) OF THE FAIR LABOR STANDARDS ACT OF 1938, AND WHO IS EMPLOYED
27 BY AN EMPLOYER OR AGENCY OTHER THAN THE FAMILY OR HOUSEHOLD USING HIS OR
28 HER SERVICES.

29 2. "PAID TIME OFF" MEANS DAYS THAT THE DOMESTIC WORKER IS ENTITLED TO
30 TIME OFF WITH PAY CALCULATED AT EACH DOMESTIC WORKER'S REGULAR RATE OF
31 PAY FOR HIS OR HER REGULAR HOURS WORKED ON THAT DAY.

32 S 696. OTHER EMPLOYMENT CONDITIONS. 1. DAY OF REST. (A) A DOMESTIC
33 WORKER SHALL BE ENTITLED TO AT LEAST TWENTY-FOUR CONSECUTIVE HOURS OF
34 REST IN EACH AND EVERY CALENDAR WEEK.

35 (B) NO DOMESTIC WORKER SHALL BE REQUIRED TO WORK ON HIS OR HER DAY OF
36 REST.

37 (C) IN THE EVENT THAT A DOMESTIC WORKER AGREES TO WORK ON HIS OR HER
38 DAY OF REST, HE OR SHE WILL BE COMPENSATED AT THE OVERTIME RATE FOR ALL
39 HOURS WORKED ON HIS OR HER DAY OF REST OR AT TWICE HIS OR HER REGULAR
40 RATE IF SUCH HOURS CONSTITUTE HOURS WORKED BEYOND FORTY HOURS IN A WORK
41 WEEK.

42 2. PAID TIME OFF. (A) A DOMESTIC WORKER SHALL BE ENTITLED TO THE
43 FOLLOWING HOLIDAYS:

44 (1) NEW YEAR'S DAY;

45 (2) MARTIN LUTHER KING JR.'S BIRTHDAY;

46 (3) INDEPENDENCE DAY;

47 (4) THANKSGIVING;

48 (5) LABOR DAY;

49 (6) CHRISTMAS DAY.

50 (B) NO DOMESTIC WORKER SHALL BE REQUIRED TO WORK ON A HOLIDAY.

51 (C) IN THE EVENT THAT A DOMESTIC WORKER AGREES TO WORK ON A HOLIDAY,
52 HE OR SHE WILL BE COMPENSATED AT THE OVERTIME RATE FOR ALL HOURS WORKED
53 ON THE HOLIDAY OR AT TWICE HIS OR HER REGULAR RATE IF SUCH HOURS CONSTI-
54 TUTE HOURS WORKED BEYOND FORTY HOURS IN A WORK WEEK.

55 (D) DOMESTIC WORKERS ARE ENTITLED TO AT LEAST SEVEN SICK DAYS EACH
56 YEAR.

(E) DOMESTIC WORKERS ARE ENTITLED TO AT LEAST FIVE VACATION DAYS PER YEAR WHICH SHALL BE AGREED UPON WITH THE EMPLOYER AT LEAST THIRTY DAYS IN ADVANCE OF THE FIRST VACATION DAY.

3. TERMINATION AND SEVERANCE. (A) A DOMESTIC WORKER IS ENTITLED TO WRITTEN NOTICE OF TERMINATION TWENTY-ONE DAYS BEFORE HIS OR HER FINAL DAY OF EMPLOYMENT. AN EMPLOYER WHO FAILS TO GIVE NOTICE AS REQUIRED BY THIS ARTICLE IS LIABLE TO EACH EMPLOYEE ENTITLED TO NOTICE WHO LOST HIS OR HER EMPLOYMENT FOR:

(B) BACK PAY AT THE AVERAGE REGULAR RATE OF COMPENSATION RECEIVED BY THE EMPLOYEE DURING THE LAST THREE YEARS OF HIS OR HER EMPLOYMENT, OR THE EMPLOYEE'S FINAL RATE OF COMPENSATION, WHICHEVER IS HIGHER.

(C) THE VALUE OF THE COST OF ANY BENEFITS TO WHICH THE EMPLOYEE WOULD HAVE BEEN ENTITLED.

4. BACK PAY AND OTHER LIABILITY UNDER THIS SECTION IS CALCULATED FOR THE PERIOD OF THE EMPLOYER'S VIOLATION, UP TO A MAXIMUM OF SIXTY DAYS, OR ONE-HALF THE NUMBER OF DAYS THAT THE EMPLOYEE WAS EMPLOYED BY THE EMPLOYER, WHICHEVER PERIOD IS SMALLER.

S 697. REMEDIES. 1. CRIMINAL PENALTIES. ANY EMPLOYER OR HIS OR HER AGENT, OR THE OFFICER OR AGENT OF ANY CORPORATION, WHO PAYS OR PROVIDES OR AGREES TO PAY OR PROVIDE TO ANY DOMESTIC WORKER LESS THAN THE WAGE, OR BENEFITS APPLICABLE UNDER THIS ARTICLE SHALL BE SUBJECT TO CRIMINAL PENALTIES PURSUANT TO SECTIONS ONE HUNDRED NINETY-EIGHT-A AND ONE HUNDRED NINETY-EIGHT-C OF THIS CHAPTER.

2. CIVIL ACTIONS. (A) IF ANY DOMESTIC WORKER IS PAID OR PROVIDED BY HIS OR HER EMPLOYER LESS THAN THE WAGES, OR BENEFITS TO WHICH HE OR SHE IS ENTITLED UNDER THE PROVISIONS OF THIS ARTICLE, HE OR SHE MAY RECOVER IN A CIVIL ACTION THE AMOUNT OF ANY SUCH UNDERPAYMENTS OF WAGES OR THE VALUE OF SUCH BENEFITS COSTS AND SUCH REASONABLE ATTORNEY'S FEES AS MAY BE ALLOWED BY THE COURT, AND IF SUCH UNDERPAYMENT OF OR FAILURE TO PROVIDE BENEFITS WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH UNDERPAYMENTS OR THE VALUE OF BENEFITS FOUND TO BE DUE HIM OR HER AND ANY AGREEMENT BETWEEN HIM OR HER AND HIS OR HER EMPLOYER TO WORK FOR LESS THAN SUCH WAGE OR WITHOUT SUCH BENEFITS SHALL BE NO DEFENSE TO SUCH ACTION.

(B) ON BEHALF OF ANY DOMESTIC WORKER PAID OR PROVIDED LESS THAN THE WAGES, OR BENEFITS TO WHICH HE OR SHE IS ENTITLED UNDER THE PROVISIONS OF THIS ARTICLE, THE COMMISSIONER OR ATTORNEY GENERAL MAY BRING ANY LEGAL ACTION NECESSARY NOTWITHSTANDING ANY LAW TO THE CONTRARY TO COLLECT SUCH CLAIM AND THE EMPLOYER SHALL BE REQUIRED TO PAY THE COSTS AND, IF SUCH UNDERPAYMENT OF WAGES OR FAILURE TO PROVIDE BENEFITS WAS WILLFUL, AN ADDITIONAL AMOUNT AS LIQUIDATED DAMAGES EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL OF SUCH UNDERPAYMENTS OR THE VALUE OF BENEFITS FOUND TO BE DUE HIM OR HER. SUCH CLAIM, AND LIQUIDATED DAMAGES SHALL BE PAID TO THE DOMESTIC WORKER.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ACTION TO RECOVER UPON A LIABILITY IMPOSED BY THIS ARTICLE MUST BE COMMENCED WITHIN SIX YEARS.

S 698. SEVERABILITY. IF ANY PART OR PROVISION OF THIS ARTICLE, OR THE APPLICATION OF THIS ARTICLE TO ANY PERSON OR CIRCUMSTANCE, IS HELD INVALID, THE REMAINDER OF THIS ARTICLE, INCLUDING THE APPLICATION OF SUCH PART OR PROVISION TO OTHER PERSONS OR CIRCUMSTANCES, SHALL NOT BE AFFECTED BY SUCH A HOLDING AND SHALL CONTINUE IN FULL FORCE AND EFFECT. TO THIS END, THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

S 3. Subdivisions 5 and 6 of section 292 of the executive law, subdivision 5 as amended by chapter 851 of the laws of 1965 and subdivision 6

1 as amended by chapter 166 of the laws of 2000, are amended to read as
2 follows:

3 5. The term "employer" does not include any employer with fewer than
4 four persons in his OR HER employ. NOTWITHSTANDING THE PRECEDING
5 SENTENCE, THE TERM "EMPLOYER" INCLUDES ANY EMPLOYER EMPLOYING ONE OR
6 MORE DOMESTIC WORKERS, AS DEFINED BY SECTION SIX HUNDRED NINETY-FIVE OF
7 THE LABOR LAW.

8 6. The term "employee" in this article does not include any individual
9 employed by his or her parents, spouse or child[, or in the domestic
10 service of any person].

11 S 4. Subdivision 3 of section 160 of the labor law is amended to read
12 as follows:

13 3. For all other employees, except those engaged in farm [or domestic
14 service] WORK and those affected by subdivision four of section two
15 hundred [and] twenty OF THIS CHAPTER, eight hours.

16 S 5. The opening paragraph of subdivision 1 of section 218 of the
17 labor law, as amended by chapter 304 of the laws of 2007, is amended to
18 read as follows:

19 If the commissioner determines that an employer has violated a
20 provision of article six (payment of wages), article nineteen (minimum
21 wage act), article nineteen-A, ARTICLE NINETEEN-C, section two hundred
22 twelve-a, section two hundred twelve-b, section one hundred sixty-one
23 (day of rest) or section one hundred sixty-two (meal periods) of this
24 chapter, or a rule or regulation promulgated thereunder, the commission-
25 er shall issue to the employer an order directing compliance therewith,
26 which shall describe particularly the nature of the alleged violation.
27 In addition to directing payment of wages, benefits or wage supplements
28 found to be due, such order, if issued to an employer who previously has
29 been found in violation of those provisions, rules or regulations, or to
30 an employer whose violation is willful or egregious, shall direct
31 payment to the commissioner of an additional sum as a civil penalty in
32 an amount equal to double the total amount found to be due. In no case
33 shall the order direct payment of an amount less than the total wages,
34 benefits or wage supplements found by the commissioner to be due, plus
35 the appropriate civil penalty. Where the violation is for a reason other
36 than the employer's failure to pay wages, benefits or wage supplements
37 found to be due, the order shall direct payment to the commissioner of a
38 civil penalty in an amount not to exceed one thousand dollars for a
39 first violation, two thousand dollars for a second violation or three
40 thousand dollars for a third or subsequent violation. In assessing the
41 amount of the penalty, the commissioner shall give due consideration to
42 the size of the employer's business, the good faith of the employer, the
43 gravity of the violation, the history of previous violations and, in the
44 case of wages, benefits or supplements violations, the failure to comply
45 with recordkeeping or other non-wage requirements.

46 S 6. Subdivision 1 of section 219 of the labor law, as amended by
47 chapter 417 of the laws of 1987, is amended to read as follows:

48 1. If the commissioner determines that an employer has failed to pay
49 wages, benefits or wage supplements required pursuant to article six
50 (payment of wages), article nineteen (minimum wage act) [or], article
51 [nineteen-a] NINETEEN-A, OR ARTICLE NINETEEN-C of this chapter, or a
52 rule or regulation promulgated thereunder, the commissioner shall issue
53 to the employer an order directing compliance therewith, which shall
54 describe particularly the nature of the alleged violation. Such order
55 shall direct payment of wages or supplements found to be due, including
56 interest at the rate of interest then in effect as prescribed by the

1 superintendent of banks pursuant to section fourteen-a of the banking
2 law per annum from the date of the underpayment to the date of the
3 payment.

4 S 7. Subdivision 5 of section 651 of the labor law, as amended by
5 chapter 640 of the laws of 2005, is amended to read as follows:

6 5. "Employee" includes any individual employed or permitted to work by
7 an employer in any occupation, but shall not include any individual who
8 is employed or permitted to work: (a) ON A CASUAL BASIS WHILE A MINOR
9 in service as a part time baby sitter in the home of the employer[; or
10 someone who lives in the home of an employer for the purpose of serving
11 as a companion to a sick, convalescing or elderly person, and whose
12 principal duties do not include housekeeping]; (b) in labor on a farm;
13 (c) in a bona fide executive, administrative, or professional capacity;
14 (d) as an outside salesman; (e) as a driver engaged in operating a taxi-
15 cab; (f) as a volunteer, learner or apprentice by a corporation, unin-
16 corporated association, community chest, fund or foundation organized
17 and operated exclusively for religious, charitable or educational
18 purposes, no part of the net earnings of which inures to the benefit of
19 any private shareholder or individual; (g) as a member of a religious
20 order, or as a duly ordained, commissioned or licensed minister, priest
21 or rabbi, or as a sexton, or as a christian science reader; (h) in or
22 for such a religious or charitable institution, which work is incidental
23 to or in return for charitable aid conferred upon such individual and
24 not under any express contract of hire; (i) in or for such a religious,
25 educational or charitable institution if such individual is a student;
26 (j) in or for such a religious, educational or charitable institution if
27 the earning capacity of such individual is impaired by age or by phys-
28 ical or mental deficiency or injury; (k) in or for a summer camp or
29 conference of such a religious, educational or charitable institution
30 for not more than three months annually; (l) as a staff counselor in a
31 children's camp; (m) in or for a college or university fraternity,
32 sorority, student association or faculty association, no part of the net
33 earnings of which inures to the benefit of any private shareholder or
34 individual, and which is recognized by such college or university, if
35 such individual is a student; (n) by a federal, state or municipal
36 government or political subdivision thereof. The exclusions from the
37 term "employee" contained in this subdivision shall be as defined by
38 regulations of the commissioner; or (o) as a volunteer at a recreational
39 or amusement event run by a business that operates such events, provided
40 that no single such event lasts longer than eight consecutive days and
41 no more than one such event concerning substantially the same subject
42 matter occurs in any calendar year. Any such volunteer shall be at least
43 eighteen years of age. A business seeking coverage under this paragraph
44 shall notify every volunteer in writing, in language acceptable to the
45 commissioner, that by volunteering his or her services, such volunteer
46 is waiving his or her right to receive the minimum wage pursuant to this
47 article. Such notice shall be signed and dated by a representative of
48 the business and the volunteer and kept on file by the business for
49 thirty-six months.

50 "Employee" also includes any individual employed or permitted to work
51 in any non-teaching capacity by a school district or board of cooper-
52 ative educational services except that the provisions of sections six
53 hundred fifty-three through six hundred fifty-nine of this article shall
54 not be applicable in any such case.

1 S 8. Paragraph (a) of subdivision 3 of section 701 of the labor law,
2 as amended by chapter 43 of the laws of 1989, is amended to read as
3 follows:

4 (a) The term "employees" includes but is not restricted to any indi-
5 vidual employed by a labor organization; any individual whose employment
6 has ceased as a consequence of, or in connection with, any current labor
7 dispute or because of any unfair labor practice, and who has not
8 obtained any other regular and substantially equivalent employment; and
9 shall not be limited to the employees of a particular employer, unless
10 the article explicitly states otherwise, but shall not include any indi-
11 vidual employed by his OR HER parent or spouse [or in the domestic
12 service of and directly employed, controlled and paid by any person in
13 his home, any individual whose primary responsibility is the care of a
14 minor child or children and/or someone who lives in the home of a person
15 for the purpose of serving as a companion to a sick, convalescing or
16 elderly person] or any individuals employed only for the duration of a
17 labor dispute, or any individuals employed as farm laborers or, any
18 individual who participates in and receives rehabilitative or therapeu-
19 tic services in a charitable non-profit rehabilitation facility or shel-
20 tered workshop or any individual employed in a charitable non-profit
21 rehabilitation facility or sheltered workshop who has received rehabili-
22 tative or therapeutic services and whose capacity to perform the work
23 for which he OR SHE is engaged is substantially impaired by physical or
24 mental deficiency or injury.

25 S 9. Subdivisions 1 and 3 of section 875 of the labor law, as added by
26 chapter 551 of the laws of 1980, is amended to read as follows:

27 1. "Employer" means any individual, partnership, corporation or asso-
28 ciation engaged in a business who has employees including the state and
29 its political subdivisions. The term "employer" [does not include]
30 INCLUDES the employment of domestic workers [or casual laborers]
31 employed at the place of residence of his or her employer.

32 3. "Workplace" means any location [away from the home], permanent or
33 temporary, where any employee performs any work-related duty in the
34 course of his OR HER employment.

35 S 10. The opening paragraph of subdivision 5 and the opening paragraph
36 of paragraph A of subdivision 6 of section 201 of the workers' compen-
37 sation law, the opening paragraph of subdivision 5 as amended by chapter
38 205 of the laws of 1993, the opening paragraph of paragraph A of subdivi-
39 sion 6 as amended by chapter 903 of the laws of 1986, are amended to
40 read as follows:

41 "Employee" means a person engaged in the service of an employer in any
42 employment defined in subdivision six of this section, except a minor
43 child of the employer[, except a domestic or personal worker in a
44 private home who is employed for less than forty hours per week by any
45 one employer,] and except a duly ordained, commissioned, or licensed
46 minister, priest or rabbi, a sexton, a christian science reader, or
47 member of a religious order, or an executive officer of a corporation
48 who at all times during the period involved owns all of the issued and
49 outstanding stock of the corporation and holds all of the offices pursu-
50 ant to paragraph (e) of section seven hundred fifteen of the business
51 corporation law or two executive officers of a corporation who at all
52 times during the period involved between them own all of the issued and
53 outstanding stock of such corporation and hold all such offices
54 provided, however, that each officer must own at least one share of
55 stock, except as provided in section two hundred twelve of this article,
56 or an executive officer of an incorporated religious, charitable or

1 educational institution, or persons engaged in a professional or teach-
2 ing capacity in or for a religious, charitable or educational institu-
3 tion, or volunteers in or for a religious, charitable or educational
4 institution, or persons participating in and receiving rehabilitative
5 services in a sheltered workshop operated by a religious, charitable or
6 educational institution under a certificate issued by the United States
7 department of labor, or recipients of charitable aid from a religious or
8 charitable institution who perform work in or for the institution which
9 is incidental to or in return for the aid conferred, and not under an
10 express contract of hire. The terms "religious, charitable or educa-
11 tional institution" mean a corporation, unincorporated association,
12 community chest, fund or foundation organized and operated exclusively
13 for religious, charitable or educational purposes, no part of the net
14 earnings of which inure to the benefit of any private shareholder or
15 individual.

16 "Employment" means employment in any trade, business or occupation
17 carried on by an employer, except that the following shall not be deemed
18 employment under this article: services performed for the state, a
19 municipal corporation, local governmental agency, other political subdivi-
20 sion or public authority; employment subject to the federal railroad
21 unemployment insurance act; service performed on or as an officer or
22 member of the crew of a vessel on the navigable water of the United
23 States or outside the United States; service as farm laborers; casual
24 employment and the first forty-five days of extra employment of employ-
25 ees not regularly in employment as otherwise defined herein; service as
26 golf caddies; and service during all or any part of the school year or
27 regular vacation periods as a part-time worker of any person actually in
28 regular attendance during the day time as a student in an elementary or
29 secondary school. THE TERM "EMPLOYMENT" SHALL INCLUDE DOMESTIC OR
30 PERSONAL WORK IN A PRIVATE HOME. The term "employment" shall not include
31 the services of a licensed real estate broker or sales associate if it
32 be proven that (a) substantially all of the remuneration (whether or not
33 paid in cash) for the services performed by such broker or sales associ-
34 ate is directly related to sales or other output (including the perform-
35 ance of services) rather than to the number of hours worked; (b) the
36 services performed by the broker or sales associate are performed pursu-
37 ant to a written contract executed between such broker or sales associ-
38 ate and the person for whom the services are performed within the past
39 twelve to fifteen months; and (c) the written contract provided for in
40 [paragraph] SUBPARAGRAPH (b) [herein] OF THIS PARAGRAPH was not executed
41 under duress and contains the following provisions:

42 S 11. The commissioner of labor shall report to the speaker of the
43 assembly and the temporary president of the senate before December 1,
44 2010 on the feasibility and practicality of full- and part-time domestic
45 workers being able to obtain common employment benefits such as vacation
46 pay, severance pay, personal leave, or health insurance or other health
47 coverage through collective bargaining or by law. The commissioner shall
48 recommend measures to make these benefits affordable to employers and
49 attainable for workers. The commissioner shall also convene an intera-
50 gency task force to report to the speaker and majority leader before
51 December 1, 2010, which shall include but not be limited to the chair of
52 the workers' compensation board, the superintendent of insurance, the
53 commissioner of health and the executive director of the department of
54 economic development, to provide easily accessible educational and
55 informational material for domestic employers and workers. Such material
56 shall cover employment benefit, tax and insurance laws.

1 S 12. This act shall take effect on January first next succeeding the
2 date on which it shall have become a law; provided that section two of
3 this act shall take effect on the ninetieth day after it shall have
4 become a law.