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

3339

2009-2010 Regular Sessions

I N S E N A T E

March 16, 2009

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

AN ACT to amend the workers' compensation law and the insurance law, in relation to rates for workers' compensation

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

Section 1. Section 89 of the workers' compensation law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. FOR THE PURPOSE OF EMPLOYMENTS, PREMIUMS IN THE STATE FUND SHALL BE DETERMINED ON THE BASIS OF THE NUMBER OF HOURS WORKED FOR AN EMPLOYER. RECORDS OF HOURS WORKED WHICH ARE MAINTAINED PURSUANT TO SECTION ONE HUNDRED NINETY-FIVE OR TWO HUNDRED TWENTY OF THE LABOR LAW, WHICHEVER IS APPLICABLE, SHALL BE UTILIZED IN SUCH RATE DETERMINATION.

5. ANY EMPLOYER WHO FAILS TO SUBMIT OR MAINTAIN ACCURATE RECORDS REQUIRED PURSUANT TO THIS SECTION SHALL BE GUILTY OF A FRAUDULENT PRACTICE PURSUANT TO SECTION NINETY-SIX OF THIS ARTICLE.

S 2. Subsection (i) of section 2304 of the insurance law, as relettered by chapter 11 of the laws of 2008, is relettered subsection (k) and two new subsections (i) and (j) are added to read as follows:

(I) PREMIUM RATES FOR WORKERS' COMPENSATION INSURANCE FOR EMPLOYMENTS SHALL BE BASED ON THE NUMBER OF HOURS WORKED FOR AN EMPLOYER. RECORDS OF HOURS WORKED WHICH ARE MAINTAINED PURSUANT TO SECTION ONE HUNDRED NINETY-FIVE OR SECTION TWO HUNDRED TWENTY OF THE LABOR LAW, WHICHEVER IS APPLICABLE, SHALL BE UTILIZED IN SUCH RATE DETERMINATION.

(J) ANY EMPLOYER WHO FAILS TO SUBMIT OR MAINTAIN ACCURATE RECORDS REQUIRED IN ACCORDANCE WITH THIS SECTION SHALL BE GUILTY OF A FRAUDULENT PRACTICE PURSUANT TO SECTION ONE HUNDRED FOURTEEN OF THE WORKERS' COMPENSATION LAW, OR OF AGGRAVATED INSURANCE FRAUD AS DEFINED IN SECTION 176.35 OF THE PENAL LAW.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediate-

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

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ly, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed by the chairperson of the workers' compensation board and the superintendent of insurance on or before such effective date.