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I N A S S E M B L Y

May 19, 2010

Introduced by M. of A. SILVER, MORELLE, GOTTFRIED, JOHN, MILLMAN, BRENNAN, FARRELL, POWELL, LENTOL, GLICK, PHEFFER, WEINSTEIN -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BING, CAHILL, CLARK, CYMBROWITZ, DINOWITZ, HEVESI, JAFFEE, KOON, LANCMAN, MAGEE, MENG, O'DONNELL, PERRY, PRETLOW, ROSENTHAL, SCARBOROUGH, SKARTADOS, ZEBROWSKI -- 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 and requirements for an eligible insurer's application

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 law, as added by section 447 of the laws of 2009, is amended to
2 read as follows:
3
4 (3) "Independent worker" means an individual who: (A) is an independent contractor; (B) is self-employed; (C) works part-time; (D) obtains
5 temporary work through an employment agency; [or] (E) performs temporary
6 work for two or more employers simultaneously; (F) IS A DOMESTIC CHILD
7 CARE WORKER; OR (G) WORKS FULL-TIME FOR A SINGLE EMPLOYER ON A TEMPORARY
8 BASIS FOR A PERIOD NOT TO EXCEED EIGHTEEN MONTHS IF SUCH EMPLOYER DOES
9 NOT OFFER GROUP HEALTH INSURANCE COVERAGE TO EMPLOYEES EMPLOYED ON SUCH
10 A TEMPORARY BASIS. An individual is not an independent worker if he or
11 she is employed full-time by a single employer, with the exception of an
12 individual who [obtains full-time temporary work through an employment
13 agency] MEETS THE REQUIREMENTS OF CLAUSE (D), (F) OR (G) OF THIS PARAGRAPH.
14
15 S 2. Paragraph 3 of subsection (c) of section 1123 of the insurance
16 law, as added by section 447 of the laws of 2009, is amended to read as
17 follows:
18
19 (3) Any eligible insurer seeking the superintendent's approval under
20 paragraph two of this subsection shall submit a written request to the
21 superintendent within thirty days of the effective date of this section.
22 The eligible insurer's application shall: specify the identity and
23 composition of the eligible association, the eligible association's

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

LBD17083-01-0

1 membership rules AND ANY MEMBERSHIP FEES CHARGED BY THE ELIGIBLE ASSOCI-
2 ATION, and the terms under which the eligible insurer shall provide
3 group health insurance to the eligible association; demonstrate that the
4 eligible insurer and the eligible association meet the requirements set
5 forth in this section; and identify the group health insurance policy
6 forms that the eligible insurer will issue to the eligible association.
7 AN ELIGIBLE ASSOCIATION MAY CHARGE INDIVIDUALS REASONABLE APPLICATION
8 AND/OR RENEWAL FEES FOR DETERMINING THE INDIVIDUAL'S INITIAL AND ONGOING
9 ELIGIBILITY FOR GROUP HEALTH INSURANCE OBTAINED BY THE ELIGIBLE ASSOCI-
10 ATION UNDER THIS SECTION. The superintendent shall make a determination
11 on any request within ninety days of receipt of all necessary informa-
12 tion. The superintendent shall issue an approval to only one eligible
13 insurer.

14 S 3. This act shall take effect immediately; provided, however, that
15 the amendments to section 1123 of the insurance law made by sections one
16 and two of this act shall not affect the repeal of such section and
17 shall be deemed repealed therewith.