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

2869

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SCHIMMINGER -- Multi-Sponsored by -- M. of A. CHRISTENSEN, DelMONTE, GALEF, KOLB, MAGEE, SWEENEY -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to one to three person corporations

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

Section 1. Paragraphs d and e of subdivision 6 of section 54 of the workers' compensation law, paragraph d as amended and paragraph e as added by chapter 205 of the laws of 1993, are amended to read as follows:

d. Any [two] THREE executive officers of a corporation who at all times during the period involved [between] AMONG them own all of the issued and outstanding stock of the corporation and hold all such offices, provided, however that each officer must own at least one share of stock, who are the executive officers of such corporation having other persons who are employees required to be covered under this chapter shall be deemed to be included in the compensation insurance contract or covered under a certificate of self-insurance unless [one or both the] ANY OF SUCH officers [elect] ELECTS to be excluded from the coverage of this chapter. Such election shall be made by any such corporation BY filing a form prescribed by the [chair] CHAIRPERSON of the [workers' compensation] board with the insurance carrier or the [chair] CHAIRPERSON in the case of self-insurance giving notice that the corporation elects to exclude [one or both of] the executive officers of such corporation named in the notice from the coverage of this chapter WHO HAVE SO ELECTED TO BE EXCLUDED. Such election shall be effective with respect to all policies issued to such corporation by such insurance carrier as long as it shall continuously insure the corporation and shall be final and binding upon the executive officers as named in the notice until revoked by the corporation. If such election is revoked, it

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

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shall be in writing on a form prescribed by the [chair] CHAIRPERSON and shall be filed with the [chair] CHAIRPERSON and the insurance carrier. Such revocation shall not be effective until thirty days after such filing.

e. Any [two] THREE executive officers of a corporation who at all times during the period involved [between] AMONG them own all of the issued and outstanding stock of such corporation and hold all such offices, provided, however that each officer must own at least one share of stock, who are the executive officers of such corporation that has no other persons who are employees required to be covered under this chapter shall be deemed to be excluded from coverage under this chapter unless [one or both] ANY OF SUCH officers [elect] ELECTS to be covered. Such coverage may be effected by obtaining an insurance policy or, in the case of self-insurance, by the corporation BY submitting a form prescribed by the [chair] CHAIRPERSON of the [workers' compensation] board, giving notice that the corporation elects to bring [one or both] THE executive officers of such corporation named in the notice within THE coverage of this chapter WHO HAVE SO ELECTED TO BE INCLUDED.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.