

4612

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to increasing permanent total disability benefits

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

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as
2 amended by chapter 574 of the laws of 1998, is amended to read as
3 follows:
4 S 8. Permanent total disability benefits. In the case of total disa-
5 bility adjudged to be permanent the volunteer firefighter shall be paid
6 four hundred FIFTY dollars for each week during the continuance thereof.
7 Permanent total disability, within the meaning of this section, shall
8 exist only if the earning capacity of the volunteer firefighter has been
9 lost permanently and totally as the result of the injury. The loss of
10 both hands, or both arms, or both feet, or both legs, or both eyes, or
11 any two thereof, shall, in the absence of conclusive proof to the
12 contrary, constitute permanent total disability, but in all other cases
13 permanent total disability shall be determined in accordance with the
14 facts. Notwithstanding any other provisions of this chapter, an injured
15 volunteer firefighter disabled due to the loss or total loss of use of
16 both eyes, or both hands, or both arms, or both feet, or both legs, or
17 any two thereof shall not suffer any diminution of such weekly benefit
18 by engaging in business or employment provided his or her weekly earn-
19 ings or wages, when combined with his or her weekly benefit shall not be
20 in excess of six hundred dollars; and further provided that the applica-
21 tion of this section shall not result in reduction of benefits which an
22 injured volunteer firefighter who is disabled due to the loss or total
23 loss of use of both eyes, or both hands, or both arms, or both feet, or

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

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1 both legs, or any two thereof would otherwise be entitled to under any
2 other provisions of this article.

3 S 2. Section 8 of the volunteer ambulance workers' benefit law, as
4 amended by chapter 574 of the laws of 1998, is amended to read as
5 follows:

6 S 8. Permanent total disability benefits. In the case of total disa-
7 bility adjudged to be permanent the volunteer ambulance worker shall be
8 paid four hundred FIFTY dollars for each week during the continuance
9 thereof. Permanent total disability, within the meaning of this section,
10 shall exist only if the earning capacity of the volunteer ambulance
11 worker has been lost permanently and totally as the result of the inju-
12 ry. The loss of both hands, or both arms, or both feet, or both legs, or
13 both eyes, or any two thereof, shall, in the absence of conclusive proof
14 to the contrary, constitute permanent total disability, but in all other
15 cases permanent total disability shall be determined in accordance with
16 the facts. Notwithstanding any other provisions of this chapter, an
17 injured volunteer ambulance worker disabled due to the loss or total
18 loss of use of both eyes, or both hands, or both arms, or both feet, or
19 both legs, or any two thereof shall not suffer any diminution of such
20 weekly benefit by engaging in business or employment provided his or her
21 weekly earnings or wages, when combined with his weekly benefit shall
22 not be in excess of six hundred dollars; and further provided that the
23 application of this section shall not result in reduction of benefits
24 which an injured volunteer ambulance worker who is disabled due to the
25 loss or total loss of use of both eyes, or both hands, or both arms, or
26 both feet, or both legs, or any two thereof would otherwise be entitled
27 to under any other provisions of this article.

28 S 3. This act shall take effect immediately.