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

7147

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law in relation to the defense and indemnification of certain independent contractors

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

Section 1. Paragraph (a) of subdivision 1 section 17 of the public officers law, as amended by chapter 293 of the laws of 1992, is amended to read as follows:

(a) As used in this section, unless the context otherwise requires the term "employee" shall mean any person holding a position by election, appointment or employment in the service of the state, including clinical practice pursuant to subdivision fourteen of section two hundred six of the public health law, whether or not compensated, or a volunteer expressly authorized to participate in a state-sponsored volunteer program, but shall not include an independent contractor, EXCEPT AS PROVIDED IN PARAGRAPH (X) OF THIS SUBDIVISION. The term employee shall include a former employee, his estate or judicially appointed personal representative and persons who assist the education department or the department of health as consultants or expert witnesses in the investigation or prosecution of alleged professional misconduct, licensure matters, restoration proceedings, or criminal prosecutions for unauthorized practice pursuant to title eight of the education law or title II-A of the public health law.

S 2. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (x) to read as follows:

(X) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE AN INDEPENDENT CONTRACTOR AND ITS EMPLOYEES WHO INSTALL TEMPORARY TRAFFIC CONTROLS AT THE SCENE OF AN ACCIDENT, HAZARDOUS MATERIAL SPILL OR OTHER UNPLANNED TRAFFIC INCIDENT, WHILE ACTING PURSUANT TO A DIRECT ORDER BY A POLICE OFFICER OR OTHER PUBLIC OFFICIAL THAT IS IN CHARGE OF SUCH TRAFFIC INCIDENT.

S 3. This act shall take effect immediately.

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

LBD10721-01-1