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

8287

2011-2012 Regular Sessions

I N A S S E M B L Y

June 10, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the designation of coverage for certain employees

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

Section 1. The workers' compensation law is amended by adding a new section 138 to read as follows:

S 138. COVERAGE. EACH EMPLOYER AS DEFINED UNDER SECTION TWO OF THIS CHAPTER, OR THE BOARD, SHALL DESIGNATE THE EMPLOYEES FOR WHOM COVERAGE IS TO BE PROVIDED UNDER THIS CHAPTER AND NO INSURANCE CARRIER AS DEFINED IN SUBDIVISION TWELVE OF SECTION TWO OF THIS CHAPTER SHALL MAKE SUCH A DETERMINATION, NOR SHALL ANY SUCH INSURANCE CARRIER BASE ITS PREMIUMS, IN WHOLE OR IN PART, ON THE REMUNERATION PAID TO ANY PERSON WHOM THE EMPLOYER OR THE BOARD HAS NOT DESIGNATED FOR COVERAGE UNDER AN EMPLOYER'S WORKERS' COMPENSATION INSURANCE POLICY. NOTHING IN THIS SECTION SHALL ALTER AN EMPLOYER'S OBLIGATION TO PROVIDE WORKERS' COMPENSATION COVERAGE TO ITS EMPLOYEES AS DETERMINED BY SUCH EMPLOYER OR THE BOARD PURSUANT TO SECTION TEN OF THIS CHAPTER OR ANY OTHER LAW, NOR SHALL THIS SECTION RELEASE ANY EMPLOYER FROM THE PENALTIES ESTABLISHED UNDER THIS CHAPTER OR ANY OTHER CHAPTER FOR NON-COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 2. This act shall take effect immediately.

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

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