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I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. PAULIN, ABINANTI, JAFFEE, STEVENSON -- Multi-Sponsored by -- M. of A. LATIMER, McENENY, ROBERTS, SWEENEY -- read once and referred to the Committee on Local Governments

AN ACT to amend the volunteer ambulance workers' benefit law, in relation to increasing disability benefit levels

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

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

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1 S 2. Section 9 of the volunteer ambulance workers' benefit law, as
2 amended by chapter 924 of the laws of 1990, is amended to read as
3 follows:

4 S 9. Temporary total disability benefits. In the case of temporary
5 total disability the volunteer ambulance worker shall be paid [three]
6 EIGHT hundred dollars for each week during the continuance thereof[;
7 provided, however, that when the volunteer ambulance worker is injured
8 in the line of duty on or after the effective date of this chapter to
9 June thirtieth, nineteen hundred ninety; further provided, that when the
10 volunteer ambulance worker is injured in the line of duty on or after
11 July first, nineteen hundred ninety to June thirtieth, nineteen hundred
12 ninety-one, said ambulance worker shall receive three hundred forty
13 dollars per week during the continuance thereof, and further provided,
14 that when a volunteer ambulance worker is injured in the line of duty on
15 or after July first, nineteen hundred ninety-one to June thirtieth,
16 nineteen hundred ninety-two, said ambulance worker shall receive three
17 hundred fifty dollars per week during the continuance thereof; provided
18 further that when a volunteer ambulance worker is injured in the line of
19 duty on or after July first, nineteen hundred ninety-two such ambulance
20 worker shall be paid four hundred dollars for each week during the
21 continuance thereof]. Temporary total disability, within the meaning of
22 this section, shall exist only if the earning capacity of the volunteer
23 ambulance worker has been lost temporarily and totally as the result of
24 the injury. In case of temporary total disability and permanent partial
25 disability both resulting from the same injury, if the temporary total
26 disability continues for a longer period than the number of weeks set
27 forth in the following schedule, the period of temporary total disabili-
28 ty in excess of such number of weeks shall be added to the period
29 provided in section ten of this chapter: arm, thirty-two weeks; leg,
30 forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twen-
31 ty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first
32 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve
33 weeks; third finger, eight weeks, fourth finger, eight weeks; toe other
34 than great toe, eight weeks. In any case resulting in loss or partial
35 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,
36 where the temporary total disability does not extend beyond the periods
37 above mentioned for such injury, benefits shall be limited to the sched-
38 ule contained in section ten of this chapter.

39 S 3. The opening paragraph and subparagraph 1 of paragraph g of subdi-
40 vision 1 of section 10 of the volunteer ambulance workers' benefit law,
41 the opening paragraph as amended by chapter 21 of the laws of 1991 and
42 subparagraph 1 as amended by chapter 924 of the laws of 1990, are
43 amended to read as follows:

44 In the case of disability partial in character, but permanent in qual-
45 ity, the volunteer ambulance worker, injured in the line of duty shall
46 be paid [one hundred fifty dollars for each week for the period speci-
47 fied in this subdivision, provided, however, that when the volunteer
48 ambulance worker is injured in the line of duty on or after the effec-
49 tive date of this chapter to and including June thirtieth, nineteen
50 hundred ninety, and provided further that when the volunteer ambulance
51 worker is injured in the line of duty on or after July first, nineteen
52 hundred ninety to and including June thirtieth, nineteen hundred nine-
53 ty-one such payments shall be two hundred eighty dollars for each week,
54 and provided further that when the volunteer ambulance worker is injured
55 in the line of duty on or after July first, nineteen hundred ninety-one
56 to and including June thirtieth, nineteen hundred ninety-two such

1 payments shall be three hundred fifty dollars for each week; and
2 provided further that when the volunteer ambulance worker is injured in
3 the line of duty on or after July first, nineteen hundred ninety-two
4 such payments shall be four] EIGHT hundred dollars for each week as
5 follows:

6 (1) If the percentage of loss of earning capacity is seventy-five per
7 centum, or greater, he or she shall be paid [one hundred fifty dollars
8 for each week, provided, however, that the volunteer ambulance worker is
9 injured in the line of duty on or after the effective date of this chap-
10 ter to and including June thirtieth, nineteen hundred ninety, provided,
11 however, that when the volunteer ambulance worker is injured in the line
12 of duty on or after July first, nineteen hundred ninety to and including
13 June thirtieth, nineteen hundred ninety-one such payment shall be two
14 hundred eighty dollars for each week, and provided further that when the
15 volunteer ambulance worker is injured in the line of duty on or after
16 July first, nineteen hundred ninety-one to and including June thirtieth,
17 nineteen hundred ninety-two such payment shall be three hundred fifty
18 dollars for each week; and provided further that when the volunteer
19 ambulance worker is injured in the line of duty on or after July first,
20 nineteen hundred ninety-two such payments shall be four] EIGHT hundred
21 dollars for each week.

22 S 4. Subdivision 1 of section 11 of the volunteer ambulance workers'
23 benefit law, as amended by chapter 924 of the laws of 1990, is amended
24 to read as follows:

25 1. If the percentage of loss of earning capacity is seventy-five per
26 centum, or greater, he or she shall be paid [one hundred fifty dollars
27 for each week, provided, however, that the volunteer ambulance worker is
28 injured in the line of duty on or after the effective date of this chap-
29 ter to and including June thirtieth, nineteen hundred ninety, provided,
30 however, that when the volunteer ambulance worker is injured in the line
31 of duty on or after July first, nineteen hundred ninety to and including
32 June thirtieth, nineteen hundred ninety-one, such payment shall be two
33 hundred eighty dollars for each week, provided, however, that when the
34 volunteer ambulance worker is injured in the line of duty on or after
35 July first, nineteen hundred ninety-one to and including June thirtieth,
36 nineteen hundred ninety-two, such payment shall be three hundred fifty
37 dollars for each week; and provided further that when the volunteer
38 ambulance worker is injured in the line of duty on or after July first,
39 nineteen hundred ninety-two such payments shall be four] EIGHT hundred
40 dollars for each week.

41 S 5. This act shall take effect on the first day of July next succeed-
42 ing the date on which it shall have become a law and shall apply by its
43 terms to benefits paid for all weekly benefit periods which occur after
44 its effective date.