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

8867

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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:

Section 1. Section 8 of the volunteer ambulance workers' benefit law, as amended by chapter 574 of the laws of 1998, is amended to read as follows:

S 8. Permanent total disability benefits. In the case of total disability adjudged to be permanent the volunteer ambulance worker shall be paid [four] *EIGHT* hundred dollars for each week during the continuance thereof. Permanent total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer ambulance worker has been lost permanently and totally as the result of the injury. The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability, but in all other cases permanent total disability shall be determined in accordance with the facts. Notwithstanding any other provisions of this chapter, an injured volunteer ambulance worker disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof shall not suffer any diminution of such weekly benefit by engaging in business or employment provided his or her weekly earnings or wages, when combined with his weekly benefit shall not be in excess of six hundred dollars; and further provided that the application of this section shall not result in reduction of benefits which an injured volunteer ambulance worker who is disabled due to the loss or total loss of use of both eyes, or both hands, or both arms, or both feet, or both legs, or any two thereof would otherwise be entitled to under any other provisions of this article.

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

LBD13689-01-1

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

S 9. Temporary total disability benefits. In the case of temporary total disability the volunteer ambulance worker shall be paid [three] EIGHT hundred dollars for each week during the continuance thereof[; provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after the effective date of this chapter to June thirtieth, nineteen hundred ninety; further provided, that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one, said ambulance worker shall receive three hundred forty dollars per week during the continuance thereof, and further provided, that when a volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to June thirtieth, nineteen hundred ninety-two, said ambulance worker shall receive three hundred fifty dollars per week during the continuance thereof; provided further that when a volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-two such ambulance worker shall be paid four hundred dollars for each week during the continuance thereof]. Temporary total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer ambulance worker has been lost temporarily and totally as the result of the injury. In case of temporary total disability and permanent partial disability both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total disability in excess of such number of weeks shall be added to the period provided in section ten of this chapter: arm, thirty-two weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first finger, eighteen weeks; great toe, twelve weeks; second finger, twelve weeks; third finger, eight weeks, fourth finger, eight weeks; toe other than great toe, eight weeks. In any case resulting in loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, benefits shall be limited to the schedule contained in section ten of this chapter.

S 3. The opening paragraph and subparagraph 1 of paragraph g of subdivision 1 of section 10 of the volunteer ambulance workers' benefit law, the opening paragraph as amended by chapter 21 of the laws of 1991 and subparagraph 1 as amended by chapter 924 of the laws of 1990, are amended to read as follows:

In the case of disability partial in character, but permanent in quality, the volunteer ambulance worker, injured in the line of duty shall be paid [one hundred fifty dollars for each week for the period specified in this subdivision, provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after the effective date of this chapter to and including June thirtieth, nineteen hundred ninety, and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payments shall be two hundred eighty dollars for each week, and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such

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

(1) If the percentage of loss of earning capacity is seventy-five per centum, or greater, he or she shall be paid [one hundred fifty dollars for each week, provided, however, that the volunteer ambulance worker is injured in the line of duty on or after the effective date of this chapter to and including June thirtieth, nineteen hundred ninety, provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payment shall be two hundred eighty dollars for each week, and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such payment shall be three hundred fifty dollars for each week; and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-two such payments shall be four] EIGHT hundred dollars for each week.

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

1. If the percentage of loss of earning capacity is seventy-five per centum, or greater, he or she shall be paid [one hundred fifty dollars for each week, provided, however, that the volunteer ambulance worker is injured in the line of duty on or after the effective date of this chapter to and including June thirtieth, nineteen hundred ninety, provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one, such payment shall be two hundred eighty dollars for each week, provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two, such payment shall be three hundred fifty dollars for each week; and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-two such payments shall be four] EIGHT hundred dollars for each week.

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