

6689--C

2013-2014 Regular Sessions

I N A S S E M B L Y

April 12, 2013

Introduced by M. of A. GALEF -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to permanent and temporary 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] SIX HUNDRED FIFTY dollars for each week during the  
7 continuance thereof. Permanent total disability, within the meaning of  
8 this section, shall exist only if the earning capacity of the volunteer  
9 firefighter has been lost permanently and totally as the result of the  
10 injury. The loss of both hands, or both arms, or both feet, or both  
11 legs, or both eyes, or any two thereof, shall, in the absence of conclu-  
12 sive proof to the contrary, constitute permanent total disability, but  
13 in all other cases permanent total disability shall be determined in  
14 accordance with the facts. Notwithstanding any other provisions of this  
15 chapter, an injured volunteer firefighter disabled due to the loss or  
16 total loss of use of both eyes, or both hands, or both arms, or both  
17 feet, or both legs, or any two thereof shall not suffer any diminution  
18 of such weekly benefit by engaging in business or employment provided

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

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1 his or her weekly earnings or wages, when combined with his or her week-  
2 ly benefit shall not be in excess of [six hundred] NINE HUNDRED SEVEN-  
3 TY-FIVE dollars; and further provided that the application of this  
4 section shall not result in reduction of benefits which an injured  
5 volunteer firefighter who is disabled due to the loss or total loss of  
6 use of both eyes, or both hands, or both arms, or both feet, or both  
7 legs, or any two thereof would otherwise be entitled to under any other  
8 provisions of this article.

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

11 S 9. Temporary total disability benefits. In the case of temporary  
12 total disability the volunteer firefighter shall be paid one hundred  
13 twenty-five dollars for each week during the continuance thereof;  
14 provided, however, that when the volunteer firefighter is injured in the  
15 line of duty on or after July first, nineteen hundred seventy-eight to  
16 December thirty-first, nineteen hundred seventy-eight, said firefighter  
17 shall receive one hundred eighty dollars per week during the continuance  
18 thereof; and further provided, that when the volunteer firefighter is  
19 injured in the line of duty on or after January first, nineteen hundred  
20 seventy-nine to June thirtieth, nineteen hundred eighty-three, said  
21 firefighter shall receive two hundred fifteen dollars per week during  
22 the continuance thereof; and further provided, that when the volunteer  
23 firefighter is injured in the line of duty on or after July first, nine-  
24 teen hundred eighty-three to June thirtieth, nineteen hundred eighty-  
25 four, said firefighter shall receive two hundred fifty-five dollars per  
26 week during the continuance thereof; and further provided, that when the  
27 volunteer firefighter is injured in the line of duty on or after July  
28 first, nineteen hundred eighty-four to June thirtieth, nineteen hundred  
29 eighty-five, said firefighter shall receive two hundred seventy-five  
30 dollars per week during the continuance thereof; and further provided,  
31 that when the volunteer firefighter is injured in the line of duty on or  
32 after July first, nineteen hundred eighty-five to June thirtieth, nine-  
33 teen hundred ninety, said firefighter shall receive three hundred  
34 dollars per week during the continuance thereof; and further provided,  
35 that when the volunteer firefighter is injured in the line of duty on or  
36 after July first, nineteen hundred ninety to June thirtieth, nineteen  
37 hundred ninety-one, said firefighter shall receive three hundred forty  
38 dollars per week during the continuance thereof; and further provided,  
39 that when a volunteer firefighter is injured in the line of duty on or  
40 after July first, nineteen hundred ninety-one to June thirtieth, nine-  
41 teen hundred ninety-two, said firefighter shall receive three hundred  
42 fifty dollars per week during the continuance thereof; and further  
43 provided, that when a volunteer firefighter is injured in the line of  
44 duty on or after July first, nineteen hundred ninety-two TO DECEMBER  
45 THIRTY-FIRST, TWO THOUSAND FOURTEEN, said firefighter shall receive four  
46 hundred dollars per week during the continuance thereof; AND FURTHER  
47 PROVIDED, THAT WHEN A VOLUNTEER FIREFIGHTER IS INJURED IN THE LINE OF  
48 DUTY ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, SAID FIREFIGHTER  
49 SHALL RECEIVE SIX HUNDRED FIFTY DOLLARS DURING THE CONTINUANCE THEREOF.  
50 Temporary total disability, within the meaning of this section, shall  
51 exist only if the earning capacity of the volunteer firefighter has been  
52 lost temporarily and totally as the result of the injury. In case of  
53 temporary total disability and permanent partial disability both result-  
54 ing from the same injury, if the temporary total disability continues  
55 for a longer period than the number of weeks set forth in the following  
56 schedule, the period of temporary total disability in excess of such

1 number of weeks shall be added to the period provided in section ten of  
2 this article: arm, thirty-two weeks; leg, forty weeks; hand, thirty-two  
3 weeks; foot, thirty-two weeks; ear, twenty-five weeks; eye, twenty  
4 weeks; thumb, twenty-four weeks; first finger, eighteen weeks; great  
5 toe, twelve weeks; second finger, twelve weeks; third finger, eight  
6 weeks; fourth finger, eight weeks; toe other than great toe, eight  
7 weeks. In any case resulting in loss or partial loss of use of arm, leg,  
8 hand, foot, ear, eye, thumb, finger or toe, where the temporary total  
9 disability does not extend beyond the periods above mentioned for such  
10 injury, benefits shall be limited to the schedule contained in section  
11 ten of this article.

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

15 S 8. Permanent total disability benefits. In the case of total disa-  
16 bility adjudged to be permanent the volunteer ambulance worker shall be  
17 paid [four hundred] SIX HUNDRED FIFTY dollars for each week during the  
18 continuance thereof. Permanent total disability, within the meaning of  
19 this section, shall exist only if the earning capacity of the volunteer  
20 ambulance worker has been lost permanently and totally as the result of  
21 the injury. The loss of both hands, or both arms, or both feet, or both  
22 legs, or both eyes, or any two thereof, shall, in the absence of conclu-  
23 sive proof to the contrary, constitute permanent total disability, but  
24 in all other cases permanent total disability shall be determined in  
25 accordance with the facts. Notwithstanding any other provisions of this  
26 chapter, an injured volunteer ambulance worker disabled due to the loss  
27 or total loss of use of both eyes, or both hands, or both arms, or both  
28 feet, or both legs, or any two thereof shall not suffer any diminution  
29 of such weekly benefit by engaging in business or employment provided  
30 his or her weekly earnings or wages, when combined with his weekly bene-  
31 fit shall not be in excess of [six hundred] NINE HUNDRED SEVENTY-FIVE  
32 dollars; and further provided that the application of this section shall  
33 not result in reduction of benefits which an injured volunteer ambulance  
34 worker who is disabled due to the loss or total loss of use of both  
35 eyes, or both hands, or both arms, or both feet, or both legs, or any  
36 two thereof would otherwise be entitled to under any other provisions of  
37 this article.

38 S 4. Section 9 of the volunteer ambulance workers' benefit law, as  
39 amended by chapter 924 of the laws of 1990, is amended to read as  
40 follows:

41 S 9. Temporary total disability benefits. In the case of temporary  
42 total disability the volunteer ambulance worker shall be paid three  
43 hundred dollars for each week during the continuance thereof; provided,  
44 however, that when the volunteer ambulance worker is injured in the line  
45 of duty on or after the effective date of this chapter to June thirti-  
46 eth, nineteen hundred ninety; further provided, that when the volunteer  
47 ambulance worker is injured in the line of duty on or after July first,  
48 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,  
49 said ambulance worker shall receive three hundred forty dollars per week  
50 during the continuance thereof, and further provided, that when a volun-  
51 teer ambulance worker is injured in the line of duty on or after July  
52 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred  
53 ninety-two, said ambulance worker shall receive three hundred fifty  
54 dollars per week during the continuance thereof; provided further that  
55 when a volunteer ambulance worker is injured in the line of duty on or  
56 after July first, nineteen hundred ninety-two TO DECEMBER THIRTY-FIRST,

1 TWO THOUSAND FOURTEEN such ambulance worker shall be paid four hundred  
2 dollars for each week during the continuance thereof; PROVIDED FURTHER  
3 THAT WHEN A VOLUNTEER AMBULANCE WORKER IS INJURED IN THE LINE OF DUTY ON  
4 OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN SUCH AMBULANCE WORKER SHALL  
5 BE PAID SIX HUNDRED FIFTY DOLLARS FOR EACH WEEK DURING THE CONTINUANCE  
6 THEREOF. Temporary total disability, within the meaning of this  
7 section, shall exist only if the earning capacity of the volunteer ambu-  
8 lance worker has been lost temporarily and totally as the result of the  
9 injury. In case of temporary total disability and permanent partial  
10 disability both resulting from the same injury, if the temporary total  
11 disability continues for a longer period than the number of weeks set  
12 forth in the following schedule, the period of temporary total disabili-  
13 ty in excess of such number of weeks shall be added to the period  
14 provided in section ten of this [chapter] ARTICLE: arm, thirty-two  
15 weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks;  
16 ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks;  
17 first finger, eighteen weeks; great toe, twelve weeks; second finger,  
18 twelve weeks; third finger, eight weeks, fourth finger, eight weeks; toe  
19 other than great toe, eight weeks. In any case resulting in loss or  
20 partial loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or  
21 toe, where the temporary total disability does not extend beyond the  
22 periods above mentioned for such injury, benefits shall be limited to  
23 the schedule contained in section ten of this [chapter] ARTICLE.  
24 S 5. This act shall take effect on January 1, 2015.