

5231--B

2013-2014 Regular Sessions

I N   S E N A T E

May 14, 2013

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- 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  
19 his or her weekly earnings or wages, when combined with his or her week-

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

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ly benefit shall not be in excess of [six hundred] NINE HUNDRED SEVENTY-FIVE dollars; and further provided that the application of this section shall not result in reduction of benefits which an injured volunteer firefighter 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.

S 2. Section 9 of the volunteer firefighters' 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 firefighter shall be paid one hundred twenty-five dollars for each week during the continuance thereof; provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred seventy-eight to December thirty-first, nineteen hundred seventy-eight, said firefighter shall receive one hundred eighty dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-nine to June thirtieth, nineteen hundred eighty-three, said firefighter shall receive two hundred fifteen dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to June thirtieth, nineteen hundred eighty-four, said firefighter shall receive two hundred fifty-five dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-four to June thirtieth, nineteen hundred eighty-five, said firefighter shall receive two hundred seventy-five dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-five to June thirtieth, nineteen hundred ninety, said firefighter shall receive three hundred dollars per week during the continuance thereof; and further provided, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one, said firefighter shall receive three hundred forty dollars per week during the continuance thereof; and further provided, that when a volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-one to June thirtieth, nineteen hundred ninety-two, said firefighter shall receive three hundred fifty dollars per week during the continuance thereof; and further provided, that when a volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-two TO DECEMBER THIRTY-FIRST, TWO THOUSAND FOURTEEN, said firefighter shall receive four hundred dollars per week during the continuance thereof; AND FURTHER PROVIDED, THAT WHEN A VOLUNTEER FIREFIGHTER IS INJURED IN THE LINE OF DUTY ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, SAID FIREFIGHTER SHALL RECEIVE SIX HUNDRED FIFTY DOLLARS DURING THE CONTINUANCE THEREOF. Temporary total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer firefighter 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

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

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

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

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

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

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