

5445

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Finance

AN ACT to amend the public officers law, in relation to the defense and  
indemnification of certain independent contractors

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

- 1     Section 1. Paragraph (a) of subdivision 1 of section 17 of the public  
2 officers law, as amended by chapter 293 of the laws of 1992, is amended  
3 to read as follows:  
4     (a) As used in this section, unless the context otherwise requires the  
5 term "employee" shall mean any person holding a position by election,  
6 appointment or employment in the service of the state, including clinical  
7 practice pursuant to subdivision fourteen of section two hundred  
8 six of the public health law, whether or not compensated, or a volunteer  
9 expressly authorized to participate in a state-sponsored volunteer  
10 program, but shall not include an independent contractor, EXCEPT AS  
11 PROVIDED IN PARAGRAPH (Y) OF THIS SUBDIVISION. The term employee shall  
12 include a former employee, his estate or judicially appointed personal  
13 representative and persons who assist the education department or the  
14 department of health as consultants or expert witnesses in the investigation  
15 or prosecution of alleged professional misconduct, licensure  
16 matters, restoration proceedings, or criminal prosecutions for unauthorized  
17 practice pursuant to title eight of the education law or title II-A  
18 of the public health law.  
19     S 2. Subdivision 1 of section 17 of the public officers law is amended  
20 by adding a new paragraph (y) to read as follows:  
21     (Y) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL  
22 INCLUDE AN INDEPENDENT CONTRACTOR AND ITS EMPLOYEES WHO INSTALL TEMPORARY  
23 TRAFFIC CONTROLS AT THE SCENE OF AN ACCIDENT, HAZARDOUS MATERIAL  
24 SPILL OR OTHER UNPLANNED TRAFFIC INCIDENT, WHILE ACTING PURSUANT TO A  
25 DIRECT ORDER BY A POLICE OFFICER OR OTHER PUBLIC OFFICIAL THAT IS IN  
26 CHARGE OF SUCH TRAFFIC INCIDENT.  
27     S 3. 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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