

5133--C

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. MORELLE, GUNTHER, PICHARDO, WOERNER, SKOUFIS, HUNTER, JAFFEE, SCHIMEL -- Multi-Sponsored by -- M. of A. CERETTO, CURRAN, GOODELL, GRAF, KEARNS, MAGEE, McDONALD, McDONOUGH, PALUMBO, RAMOS -- read once and referred to the Committee on Local Governments -- 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 -- again reported from said committee with amendments, 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

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to the payment of 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 section 1 of part GG of chapter 54 of the laws of 2016, is
3 amended to read as 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] SIX hundred dollars for each week during the continuance thereof.
7 Permanent total disability, within the meaning of this section, shall
8 exist only if the earning capacity of the volunteer firefighter has been
9 lost permanently and totally as the result of the injury. The loss of
10 both hands, or both arms, or both feet, or both legs, or both eyes, or
11 any two thereof, shall, in the absence of conclusive proof to the
12 contrary, constitute permanent total disability, but in all other cases
13 permanent total disability shall be determined in accordance with the
14 facts. Notwithstanding any other provisions of this chapter, an injured
15 volunteer firefighter disabled due to the loss or total loss of use of

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

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1 both eyes, or both hands, or both arms, or both feet, or both legs, or
2 any two thereof shall not suffer any diminution of such weekly benefit
3 by engaging in business or employment provided his or her weekly earn-
4 ings or wages, when combined with his or her weekly benefit shall not be
5 in excess of eight hundred dollars; and further provided that the appli-
6 cation of this section shall not result in reduction of benefits which
7 an injured volunteer firefighter who is disabled due to the loss or
8 total loss of use of both eyes, or both hands, or both arms, or both
9 feet, or both legs, or any two thereof would otherwise be entitled to
10 under any other provisions of this article.

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

36 S 3. This act shall take effect on the same date and in the same
37 manner as part GG of chapter 54 of the laws of 2016 takes effect and
38 shall apply to weekly benefit periods that commence after January 1,
39 2017.