

8259

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 16, 2015

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Introduced by M. of A. MORELLE -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to interim assessments on the members of a defaulted group self-insurer or members of any other terminated group self-insurer

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

1     Section 1. Subparagraph (b) of paragraph 7 of subdivision 3-a of  
2     section 50 of the workers' compensation law, as amended by section 4 of  
3     part R of chapter 56 of the laws of 2010, is amended to read as follows:  
4     (b) The chair shall levy an INTERIM assessment on the members of a  
5     defaulted group self-insurer within one hundred twenty days of such  
6     default or of the effective date of the chapter of the laws of two thou-  
7     sand eight which amended this subdivision, whichever is later, and  
8     against the members of any other terminated group self-insurer when  
9     necessary, for such an amount as he or she determines to be necessary to  
10    discharge all liabilities of the group self-insurer, including the  
11    reasonable cost of liquidation such as claims administration costs,  
12    actuarial and accounting services, and the value of future assessments  
13    on members of such group self-insurer AS THEY ARE KNOWN AT THE TIME OF  
14    THE INTERIM ASSESSMENT. The chair may impose subsequent AND FURTHER  
15    deficit assessments, or return funds to members, to adjust the moneys  
16    collected to reflect the time of participation, and percent of group  
17    self-insurer liabilities for such time. THE TIME LIMITATIONS INCLUDED  
18    IN THE FIRST SENTENCE OF THIS SUBPARAGRAPH DO NOT APPLY TO THE IMPOSI-  
19    TION OF ANY SUBSEQUENT AND FURTHER DEFICIT ASSESSMENTS THAT EXCEED THE  
20    INTERIM ASSESSMENT MADE BY THE CHAIR AGAINST MEMBERS OF A DEFAULTED  
21    GROUP INSURER OR MEMBERS OF ANY OTHER TERMINATED GROUP SELF-INSURER.  
22    Notwithstanding any such action by the chair, each member of the group  
23    self-insurer shall remain jointly and severally responsible for all  
24    liabilities provided by this chapter including but not limited to

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

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1 outstanding and estimated future liabilities and assessments. Further,  
2 separate and apart from, and in addition to a member's joint and several  
3 liability and notwithstanding any payments made by any other members of  
4 the group self-insurer pursuant to this subparagraph, in the event that  
5 a member neglects or fails to pay an assessment levied pursuant to this  
6 subparagraph, the member shall be deemed in default in the payment of  
7 compensation. Such defaulting member is subject to the enforcement  
8 provisions of section twenty-six of this chapter for the payment of all  
9 compensation relative to awards due and owing on claims filed by the  
10 employees of such member that have neither been paid by the member or  
11 the group self-insurer. Nothing in this paragraph shall prevent the  
12 chair from offering payment plans or settling claims against members of  
13 any group self-insurer as necessary to facilitate collection.  
14 S 2. This act shall take effect immediately.