

8259--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 16, 2015

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to an interim assessment on members of a defaulted 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 ASSESSMENT. The chair may impose subsequent AND FURTHER deficit
15 assessments, or return funds to members, to adjust the moneys collected
16 to reflect the time of participation, and percent of group self-insurer
17 liabilities for such time. THE TIME LIMITATIONS INCLUDED IN THE FIRST
18 SENTENCE OF THIS SUBPARAGRAPH DO NOT APPLY TO THE IMPOSITION OF ANY
19 SUBSEQUENT AND FURTHER DEFICIT ASSESSMENTS THAT EXCEED THE INTERIM
20 ASSESSMENT MADE BY THE CHAIR AGAINST MEMBERS OF A DEFAULTED GROUP INSUR-
21 ER OR MEMBERS OF ANY OTHER TERMINATED GROUP SELF-INSURER. Notwithstand-
22 ing any such action by the chair, each member of the group self-insurer
23 shall remain jointly and severally responsible for all liabilities
24 provided by this chapter including but not limited to outstanding and

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

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