

1390

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 12, 2015

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Introduced by M. of A. PAULIN, ABINANTI, JAFFEE -- Multi-Sponsored by --  
M. of A. ROBERTS -- read once and referred to the Committee on Local  
Governments

AN ACT to amend the volunteer ambulance workers' benefit law, in  
relation to increasing disability benefit levels

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

1     Section 1. Section 8 of the volunteer ambulance workers' benefit law,  
2     as 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 ambulance worker shall be  
6     paid [four] EIGHT hundred dollars for each week during the continuance  
7     thereof. Permanent total disability, within the meaning of this section,  
8     shall exist only if the earning capacity of the volunteer ambulance  
9     worker has been lost permanently and totally as the result of the inju-  
10    ry. The loss of both hands, or both arms, or both feet, or both legs, or  
11    both eyes, or any two thereof, shall, in the absence of conclusive proof  
12    to the contrary, constitute permanent total disability, but in all other  
13    cases permanent total disability shall be determined in accordance with  
14    the facts. Notwithstanding any other provisions of this chapter, an  
15    injured volunteer ambulance worker disabled due to the loss or total  
16    loss of use of both eyes, or both hands, or both arms, or both feet, or  
17    both legs, or any two thereof shall not suffer any diminution of such  
18    weekly benefit by engaging in business or employment provided his or her  
19    weekly earnings or wages, when combined with his weekly benefit shall  
20    not be in excess of six hundred dollars; and further provided that the  
21    application of this section shall not result in reduction of benefits  
22    which an injured volunteer ambulance worker who is disabled due to the  
23    loss or total loss of use of both eyes, or both hands, or both arms, or

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

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1 both feet, or both legs, or any two thereof would otherwise be entitled  
2 to under any other provisions of this article.

3 S 2. Section 9 of the volunteer ambulance workers' benefit law, as  
4 amended by chapter 924 of the laws of 1990, is amended to read as  
5 follows:

6 S 9. Temporary total disability benefits. In the case of temporary  
7 total disability the volunteer ambulance worker shall be paid [three]  
8 EIGHT hundred dollars for each week during the continuance thereof[;  
9 provided, however, that when the volunteer ambulance worker is injured  
10 in the line of duty on or after the effective date of this chapter to  
11 June thirtieth, nineteen hundred ninety; further provided, that when the  
12 volunteer ambulance worker is injured in the line of duty on or after  
13 July first, nineteen hundred ninety to June thirtieth, nineteen hundred  
14 ninety-one, said ambulance worker shall receive three hundred forty  
15 dollars per week during the continuance thereof, and further provided,  
16 that when a volunteer ambulance worker is injured in the line of duty on  
17 or after July first, nineteen hundred ninety-one to June thirtieth,  
18 nineteen hundred ninety-two, said ambulance worker shall receive three  
19 hundred fifty dollars per week during the continuance thereof; provided  
20 further that when a volunteer ambulance worker is injured in the line of  
21 duty on or after July first, nineteen hundred ninety-two such ambulance  
22 worker shall be paid four hundred dollars for each week during the  
23 continuance thereof]. Temporary total disability, within the meaning of  
24 this section, shall exist only if the earning capacity of the volunteer  
25 ambulance worker has been lost temporarily and totally as the result of  
26 the injury. In case of temporary total disability and permanent partial  
27 disability both resulting from the same injury, if the temporary total  
28 disability continues for a longer period than the number of weeks set  
29 forth in the following schedule, the period of temporary total disabili-  
30 ty in excess of such number of weeks shall be added to the period  
31 provided in section ten of this chapter: arm, thirty-two weeks; leg,  
32 forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twen-  
33 ty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first  
34 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve  
35 weeks; third finger, eight weeks, fourth finger, eight weeks; toe other  
36 than great toe, eight weeks. In any case resulting in loss or partial  
37 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,  
38 where the temporary total disability does not extend beyond the periods  
39 above mentioned for such injury, benefits shall be limited to the sched-  
40 ule contained in section ten of this chapter.

41 S 3. The opening paragraph and subparagraph 1 of paragraph g of subdi-  
42 vision 1 of section 10 of the volunteer ambulance workers' benefit law,  
43 the opening paragraph as amended by chapter 21 of the laws of 1991 and  
44 subparagraph 1 as amended by chapter 924 of the laws of 1990, are  
45 amended to read as follows:

46 In the case of disability partial in character, but permanent in qual-  
47 ity, the volunteer ambulance worker, injured in the line of duty shall  
48 be paid [one hundred fifty dollars for each week for the period speci-  
49 fied in this subdivision, provided, however, that when the volunteer  
50 ambulance worker is injured in the line of duty on or after the effec-  
51 tive date of this chapter to and including June thirtieth, nineteen  
52 hundred ninety, and provided further that when the volunteer ambulance  
53 worker is injured in the line of duty on or after July first, nineteen  
54 hundred ninety to and including June thirtieth, nineteen hundred nine-  
55 ty-one such payments shall be two hundred eighty dollars for each week,  
56 and provided further that when the volunteer ambulance worker is injured

1 in the line of duty on or after July first, nineteen hundred ninety-one  
2 to and including June thirtieth, nineteen hundred ninety-two such  
3 payments shall be three hundred fifty dollars for each week; and  
4 provided further that when the volunteer ambulance worker is injured in  
5 the line of duty on or after July first, nineteen hundred ninety-two  
6 such payments shall be four] EIGHT hundred dollars for each week as  
7 follows:

8 (1) If the percentage of loss of earning capacity is seventy-five per  
9 centum, or greater, he or she shall be paid [one hundred fifty dollars  
10 for each week, provided, however, that the volunteer ambulance worker is  
11 injured in the line of duty on or after the effective date of this chap-  
12 ter to and including June thirtieth, nineteen hundred ninety, provided,  
13 however, that when the volunteer ambulance worker is injured in the line  
14 of duty on or after July first, nineteen hundred ninety to and including  
15 June thirtieth, nineteen hundred ninety-one such payment shall be two  
16 hundred eighty dollars for each week, and provided further that when the  
17 volunteer ambulance worker is injured in the line of duty on or after  
18 July first, nineteen hundred ninety-one to and including June thirtieth,  
19 nineteen hundred ninety-two such payment shall be three hundred fifty  
20 dollars for each week; and provided further that when the volunteer  
21 ambulance worker is injured in the line of duty on or after July first,  
22 nineteen hundred ninety-two such payments shall be four] EIGHT hundred  
23 dollars for each week.

24 S 4. Subdivision 1 of section 11 of the volunteer ambulance workers'  
25 benefit law, as amended by chapter 924 of the laws of 1990, is amended  
26 to read as follows:

27 1. If the percentage of loss of earning capacity is seventy-five per  
28 centum, or greater, he or she shall be paid [one hundred fifty dollars  
29 for each week, provided, however, that the volunteer ambulance worker is  
30 injured in the line of duty on or after the effective date of this chap-  
31 ter to and including June thirtieth, nineteen hundred ninety, provided,  
32 however, that when the volunteer ambulance worker is injured in the line  
33 of duty on or after July first, nineteen hundred ninety to and including  
34 June thirtieth, nineteen hundred ninety-one, such payment shall be two  
35 hundred eighty dollars for each week, provided, however, that when the  
36 volunteer ambulance worker is injured in the line of duty on or after  
37 July first, nineteen hundred ninety-one to and including June thirtieth,  
38 nineteen hundred ninety-two, such payment shall be three hundred fifty  
39 dollars for each week; and provided further that when the volunteer  
40 ambulance worker is injured in the line of duty on or after July first,  
41 nineteen hundred ninety-two such payments shall be four] EIGHT hundred  
42 dollars for each week.

43 S 5. This act shall take effect on the first of July next succeeding  
44 the date on which it shall have become a law and shall apply by its  
45 terms to benefits paid for all weekly benefit periods which occur after  
46 its effective date.