

5133--B

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 --
Multi-Sponsored by -- M. of A. CERETTO, GRAF, MAGEE, McDONALD, McDO-
NOUGH, 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

AN ACT to amend the volunteer firefighters' benefit law, in relation to
the payment of benefits

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 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
16 both eyes, or both hands, or both arms, or both feet, or both legs, or
17 any two thereof shall not suffer any diminution of such weekly benefit
18 by engaging in business or employment provided his or her weekly earn-
19 ings or wages, when combined with his or her weekly benefit shall not be

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

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1 in excess of eight hundred dollars; and further provided that the appli-
2 cation of this section shall not result in reduction of benefits which
3 an injured volunteer firefighter who is disabled due to the loss or
4 total loss of use of both eyes, or both hands, or both arms, or both
5 feet, or both legs, or any two thereof would otherwise be entitled to
6 under any other provisions of this article.
7 S 2. This act shall take effect on the same date and in the same
8 manner as part GG of chapter 54 of the laws of 2016 takes effect and
9 shall apply to weekly benefit periods that commence after January 1,
10 2017.