

# STATE OF NEW YORK

11105

## IN ASSEMBLY

June 5, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rodriguez)  
-- read once and referred to the Committee on Labor

AN ACT to amend the executive law, in relation to the authority of the New York black car operators' injury compensation fund, inc. to provide additional benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1 and 2 of section 160-jj of the executive  
2 law, as added by chapter 49 of the laws of 1999, are amended to read as  
3 follows:

4 1. To pay (a) the costs of the insurance purchased pursuant to subdivi-  
5 sion three of section one hundred sixty-ii of this article or (b) the  
6 benefits due under the workers' compensation law in the event the fund  
7 self-insures pursuant to subdivision two of section one hundred sixty-ii  
8 of this article, and to pay (c) its expenses in carrying out its powers  
9 and duties under this article and (d) its liabilities, if any, pursuant  
10 to section fourteen-a of the workers' compensation law, the fund shall  
11 ascertain by reasonable estimate the total funding necessary to carry on  
12 its operations and (e) the costs of benefits, sourcing and enrolling or  
13 the costs provided to a third party not-for-profit organization, as  
14 authorized by the fund, capable of educating, sourcing and enrolling  
15 large groups of black car operators into additional health services and  
16 related benefits that black car operators do not typically have or have  
17 access to including, but not limited to, health insurance, life insur-  
18 ance, disability insurance, vision insurance, dental insurance, paid  
19 leave, retirement services, and financial services.

20 2. Based upon its estimation of operating costs, the fund shall estab-  
21 lish a proposed uniform percentage surcharge to be added to (a) the  
22 invoices or billings for covered services sent to the customers of the  
23 fund's members by a member or its agent and (b) the credit payments for  
24 covered services received by a member or its agent. The proposed  
25 surcharge shall become effective thirty days after being filed with the  
26 department. Notwithstanding the foregoing, beginning on the first day of  
27 the first calendar month that shall commence at least seventy-five days

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

LBD16149-01-8

1 after the effective date of this article, and until the fund shall have  
2 filed with the department a different surcharge amount, a three percent  
3 surcharge shall be added to every invoice or billing for covered  
4 services sent by a member or its agent to, and every credit payment for  
5 covered services received by a member or its agent from, the customers  
6 of the fund's members. The surcharge amounts allocated for paragraph (e)  
7 of subdivision one of this section shall not exceed ten percent. Each  
8 member of the fund shall be liable for payment to the fund of an amount  
9 equal to the product of (i) the percentages surcharge due pursuant to  
10 this article, divided by one hundred and (ii) all payments received by  
11 the member or its agent for covered services from the member's custom-  
12 ers, as provided in this subdivision, regardless of whether the  
13 surcharge was billed or charged.

14 § 2. Paragraphs (f), (g) and (h) of subdivision 2 of section 160-gg of  
15 the executive law are relettered paragraphs (g), (h) and (i) and a new  
16 paragraph (f) is added to read as follows:

17 (f) establish a procedure to ensure delivery of prompt and accurate  
18 data to determine whether a black car operator is eligible for benefits  
19 under paragraph (e) of subdivision one of section one hundred sixty-ii  
20 of this article for instances where the black car operator works across  
21 multiple central dispatch facilities as defined in subdivision three of  
22 section one hundred sixty-cc of this article;

23 § 3. This act shall take effect on the ninetieth day after it shall  
24 have become a law.