STATE OF NEW YORK

3353

2017-2018 Regular Sessions

IN SENATE

January 20, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to exclude certain musicians or persons who had a work-related accident on December 17, 2011 who are an executive officer of a corporation who contracts for the musician or person's services from the definition of employee for purposes of the workers' compensation law; and providing for the expiration of such provisions

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

Section 1. Notwithstanding the fourth undesignated paragraph of subdivision 4 of section 2 of the workers' compensation law or any other provision of law to the contrary, for purposes of the workers' compensation law, the term "employee" shall not include a musician or person who is an executive officer of a corporation who contracts for the musician or person's services, and who if not a musician or person otherwise engaged in performing arts would be deemed excluded from coverage under paragraphs (c) and e of subdivision 6 of section 54 of the workers' compensation law and who is not a musician or officer who elects to be covered under paragraphs (c) and e of subdivision 6 of section 54 of the workers' compensation law and who has a date of workplace accident on December 17, 2011 and whereby there is no workers' compensation claim established as compensable by the workers' compensation board that was filed by the musician or person for such accident.

§ 2. This act shall take effect immediately and shall only apply to any cases, matters or proceedings pending on such date, or which have not been finally adjudicated on such date; provided, however, that this act shall expire two years after such effective date; and provided further that the expiration of this act shall not apply to any case, matter, or proceeding authorized by this act which has not been finally adjudicated on or before such expiration date.

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

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