STATE OF NEW YORK

S. 3529 A. 3032

2017-2018 Regular Sessions

SENATE - ASSEMBLY

January 24, 2017

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the collection of premium in case of default

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

Section 1. Section 93 of the workers' compensation law, as amended by section 24 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

§ 93. Collection of premium in case of default. a. If a policyholder shall default in any payment required to be made by him **or her** to the state insurance fund after due notice, his **or her** insurance in the state fund may be cancelled and the amount due from him **or her** shall be collected by civil action brought against him **or her** in any county wherein the state insurance fund maintains an office in the name of the commissioners of the state insurance fund and the same when collected, shall be paid into the state insurance fund, and such policyholder's compliance with the provisions of this chapter requiring payments to be made to the state insurance fund shall date from the time of the payment of said money to the state insurance fund.

b. An employer, whose policy of insurance has been cancelled by the state insurance fund for non-payment of premium and assessments **evidenced by a judgment holding the employer liable for such payments pursuant to the civil action defined in subdivision a of this section** or withdraws pursuant to section ninety-four of this article, is ineligible to contract for a subsequent policy of insurance with the state insurance fund while the billed premium on the cancelled policy remains uncollected.

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

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c. The state insurance fund shall not be required to write a policy of insurance for any employer which is owned or controlled or the majority interest of which is owned or controlled, directly or indirectly, by any person who directly or indirectly owns or controls or owned or controlled at the time of cancellation an employer whose former policy of insurance with the state insurance fund was cancelled for non-payment of premium and assessments **evidenced by a judgment holding such individuals liable for such payments pursuant to the civil action defined in subdivision a of this section** or withdraws pursuant to section ninety-four of this article or who is or was at the time of cancellation the president, vice-president, secretary or treasurer of such an employer until the [~~**billed premium**~~] **judgment** on the cancelled policy is paid.

For purposes of this subdivision, "person" shall include individuals, partnerships, corporations, and other associations.

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