

# STATE OF NEW YORK

9536

## IN ASSEMBLY

January 19, 2018

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

AN ACT to amend the workers' compensation law, in relation to permanent  
total disability

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

1 Section 1. Subdivision 1 of section 15 of the workers' compensation  
2 law, as amended by chapter 675 of the laws of 1977, is amended to read  
3 as follows:  
4 1. Permanent total disability. In case of total disability adjudged to  
5 be permanent sixty-six and two-thirds per centum of the average weekly  
6 wages shall be paid to the employee during the continuance of such total  
7 disability. Loss of both hands, or both arms, or both feet, or both  
8 legs, or both eyes, or of any two thereof or approval for federal social  
9 security disability benefits as a result of the compensable accident or  
10 occupational disease shall, in the absence of conclusive proof to the  
11 contrary, constitute permanent total disability. In all other cases  
12 permanent total disability shall be determined in accordance with the  
13 facts. Notwithstanding any other provision of this chapter, an injured  
14 employee disabled due to the loss or total loss of use of both eyes, or  
15 both hands, or both arms, or both feet, or both legs, or of any two  
16 thereof shall not suffer any diminution of his or her compensation by  
17 engaging in business or employment provided his or her earnings or  
18 wages, when combined with his or her compensation, shall not be in  
19 excess of the wage base on which the maximum weekly compensation benefit  
20 is computed under the law in effect at time of such earning; further  
21 provided, that if the combination exceeds such wage base, the compen-  
22 sation shall be diminished to an amount which, together with his or her  
23 earnings or wages, shall equal the wage base; and further provided that  
24 the application of this subdivision shall not result in reduction of  
25 compensation which an injured employee who is disabled due to the loss  
26 or total loss of use of both eyes, or both hands, or both arms, or both  
27 feet, or both legs or of any two thereof, would otherwise be entitled to  
28 under any other provision of this section.  
29 § 2. This act shall take effect immediately.

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

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