# STATE OF NEW YORK

8706

# IN SENATE

May 10, 2018

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

AN ACT to amend the workers' compensation law, in relation to securing compensation to employees; and repealing certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 50 of the workers' compensation law is REPEALED.

§ 2. Subdivision 7 of section 54 of the workers' compensation law is REPEALED.

§ 3. Subdivision 6-a of section 54 of the workers' compensation law, as amended by chapter 24 of the laws of 1988, is amended to read as follows:

6-a. Insurance contracts with fire or ambulance districts. Notwithstanding any other provision of this section or of this chapter, any insurance contract to secure workers' compensation for a fire or ambulance district pursuant to subdivision one [~~or subdivision two~~] of section fifty of this chapter issued to take effect on or after July first, nineteen hundred sixty, in relation to a fire district and January first, in the year next succeeding the year in which this subdivision as hereby amended becomes effective, in relation to an ambulance district or any such contract renewed to continue in effect on or after such dates, shall provide workers' compensation coverage for all fire or ambulance district officers, whether elective or appointive, and all fire or ambulance district employees, whether or not they are compensated for their services, unless the board of fire or ambulance commissioners of the fire district or ambulance district by resolution elects not to provide such coverage for any one or more of such officers or employees, or class thereof. Such election not to provide such coverage shall be effective with respect to all such insurance contracts thereafter issued to such fire or ambulance district by any insurance carrier until revoked in whole or in part by resolution of the board of fire or ambulance commissioners of the fire or ambulance district. Such election not to provide such coverage shall not become effective until thirty days after a copy of such resolution has been filed with the chairman of the workers' compensation board and with the insurance carrier and a

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

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copy thereof is furnished to each officer and employee as to whom such revocation is applicable. The chairman of the workers' compensation board shall prescribe the form of such resolution. The provisions of this subdivision shall not be applicable in cases where the injury arises out of and in the course of duty as a volunteer firefighter or a volunteer ambulance worker or as a civil defense volunteer and where the computation of benefits would be made under the provisions of the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law or under article ten of this chapter.

§ 4. Subdivision a of section 94 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

a. Any employer may, upon complying with subdivision [~~two or~~] three of section fifty of this chapter, withdraw from the fund by turning in his insurance contract for cancellation, provided he **or she** has given written notice to the fund of his **or her** intention to withdraw not less than thirty days before the effective date of such cancellation. Upon receipt of such notice the fund shall, at least ten days prior to the effective date file in the office of the chairman a notice of such cancellation date.

In no event shall the insurance contract be deemed cancelled until at least ten days after the date of such filing, any earlier date mentioned in the notice to the contrary notwithstanding.

[~~If an employer withdraws from the fund upon complying with subdivision two of section fifty of this chapter, the new insurance contract with the stock corporation, mutual corporation or reciprocal insurer shall be deemed not to take effect until the cancellation of such employer's contract with the state insurance fund has become effective.~~]

§ 5. Subdivision 4 of section 151 of the workers' compensation law, as added by section 22 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

4. For those affected employers obtaining coverage:

(a) by insuring with the state fund pursuant to subdivision one of section fifty of this chapter; or (b) [~~through a policy pursuant to subdivision two of section fifty of this chapter; or (c)~~] through a county self-insurance plan under article five of this chapter; or [~~(d)~~] **(c)** through a group private or public self-insurer pursuant to subdivision three-a of section fifty of this chapter, such assessment amounts shall be collected and remitted to the chair by the carrier or the state insurance fund, or county plan, or group private or public self-insurer, on behalf of the employer(s) until such time as the board establishes a direct employer payment process. Affected private or public employers providing compensation through self insurance pursuant to subdivision three of section fifty of this chapter shall pay assessment amounts directly to the chair.

§ 6. Subdivision 5 of section 157 of the workers' compensation law, as added by chapter 24 of the laws of 1988, is amended to read as follows:

5. "[~~Subdivisions~~] **Subdivision** one [~~and two~~] of section fifty", as used in section one hundred fifty-one of this chapter, includes subdivision nine of section thirty of the volunteer firefighters' benefit law and subdivision nine of section thirty of the volunteer ambulance workers' benefit law.

§ 7. This act shall take effect on the three hundred sixty-sixth day after it shall have become a law.