

# STATE OF NEW YORK

5331

2019-2020 Regular Sessions

## IN SENATE

April 26, 2019

Introduced by Sen. KAPLAN -- 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 providing an insurance premium reduction for landscape businesses whose employees complete a safety course for the landscape industry

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

1 Section 1. The workers' compensation law is amended by adding a new  
2 section 138 to read as follows:

3 § 138. Occupational safety and health administration course; premium  
4 reduction. 1. For purposes of this section, the term "landscape busi-  
5 ness" shall mean a business whose primary concern involves the modifica-  
6 tion of the visible features of an area of land, and shall include, but  
7 not be limited to, lawn care, gardening and the removal or pruning of  
8 trees.

9 2. Notwithstanding any other provision of law to the contrary, any  
10 insurer doing business within this state who offers workers' compen-  
11 sation insurance to landscape businesses doing business within this  
12 state shall provide a ten percent reduction in its premiums for such  
13 insurance to any landscape business that meets the requirements set  
14 forth in subdivision three of this section.

15 3. Any person, firm, partnership, limited liability company, corpo-  
16 ration or any other business entity shall receive a ten percent  
17 reduction in its workers' compensation premium for any year in which  
18 fifty percent or more of the employees of such business successfully  
19 complete the ten hour construction safety course for the landscaping  
20 industry approved by the occupational safety and health administration.  
21 Such premium reduction shall be available on an annual basis. Applica-  
22 tion for such premium reduction shall be made in a manner and with a  
23 standardized form to be developed cooperatively between the commission-

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

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1 ers of the state insurance fund, the commissioner of labor and the  
2 superintendent of financial services.

3 4. The commissioners of the state insurance fund, in cooperation with  
4 the commissioner of labor and the superintendent of financial services,  
5 are authorized to promulgate rules and regulations necessary to imple-  
6 ment the provisions of this section.

7 § 2. This act shall take effect on the one hundred twentieth day after  
8 it shall have become a law. Effective immediately, the addition, amend-  
9 ment and/or repeal of any rule or regulation necessary for the implemen-  
10 tation of this act on its effective date are authorized to be made and  
11 completed on or before such date.