STATE OF NEW YORK

7027

IN SENATE

(Prefiled)

January 8, 2020

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law, in relation to providing for temporary payments of benefit pending final determination of claim

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

Section 1. Section 40 of the volunteer firefighters' benefit law, as amended by chapter 476 of the laws of 2018, is amended to read as follows:

§ 40. [~~Notice~~] **Claim assistance unit; notice** of injury or death. **The workers' compensation board shall establish a volunteer firefighters' benefit claim assistance unit. Such unit shall be responsible to initiate contact with any volunteer firefighter who sustains a life threatening injury, or in the case of death, the surviving dependents of such volunteer firefighter and shall provide any and all assistance required to file claims and expedite payment of any and all benefits allowable under this chapter.**

Notice of an injury or death for which benefits are to be paid or provided under this chapter shall be given to the political subdivision liable for the payment thereof within ninety days after such injury or death except that such notice need not be given if a claim is filed pursuant to section forty-one of this chapter within ninety days after such injury or death. Either such notice may be given by any person claiming to be entitled to such benefits [~~or~~]**,** by someone in his or her behalf**, or by a claim assistant**. The notice shall be in writing, shall contain the name and address of the volunteer firefighter, and state in ordinary language the time, place, nature and cause of the injury and shall be signed by him or her or by a person on his or her behalf or, in case of death, by any one or more of his or her dependents, [~~or~~] by a person on their behalf**, or by a claim assistant**. The notice shall be given to the clerk of the board of supervisors of the county, the comptroller or chief financial officer of the city, the town clerk of the

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

LBD03112-03-9

town, the clerk of the village or the secretary of the fire district, as the case may be, by delivering it to such officer or by registered letter properly addressed to such officer. The failure to give notice of injury or notice of death shall be a bar to any claim under this chapter unless such failure is excused by the workers' compensation board on any of the following grounds, (1) that for some sufficient reason the notice could not have been given, (2) that a member of a body in charge of, or any officer of, the fire department or fire company had knowledge within such ninety-day period of the injuries or death, (3) that the political subdivision, or its insurance carrier had not been prejudiced by a delay in giving such notice, or (4) that the cause of disablement or death was not known to be the result of service performed in line of duty as a volunteer firefighter in sufficient time to comply with the provisions of this section.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.