# STATE OF NEW YORK

5135

2019-2020 Regular Sessions

# IN ASSEMBLY

February 7, 2019

Introduced by M. of A. SCHIMMINGER, JONES, GOODELL -- Multi-Sponsored by -- M. of A. GALEF, KOLB -- read once and referred to the Committee on Codes

AN ACT to amend the workers' compensation law, in relation to liability for compensation

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

Section 1. Subdivision 1 of section 10 of the workers' compensation law, as amended by chapter 924 of the laws of 1990, is amended to read as follows:

1. Every employer subject to this chapter shall in accordance with this chapter, except as otherwise provided in section twenty-five-a hereof, secure compensation to his employees and pay or provide compensation for their disability or death from injury arising out of and in the course of the employment without regard to fault as a cause of the injury, except that there shall be no liability for compensation under this chapter when the injury has been solely occasioned by intoxication from alcohol or a controlled substance of the injured employee while on duty; or by wilful intention of the injured employee to bring about the injury or death of himself**, herself** or another; **or where the injury or occupational disease was sustained by the injured employee in the perpetration of a felony or misdemeanor for which the employee is convicted;** or where the injury was sustained in or caused by voluntary participation in an off-duty athletic activity not constituting part of the employee's work related duties unless the employer (a) requires the employee to participate in such activity, (b) compensates the employee for participating in such activity or (c) otherwise sponsors the activity.

§ 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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