

# 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 Assem-  
bly, do enact as follows:

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

4 1. Every employer subject to this chapter shall in accordance with  
5 this chapter, except as otherwise provided in section twenty-five-a  
6 hereof, secure compensation to his employees and pay or provide compen-  
7 sation for their disability or death from injury arising out of and in  
8 the course of the employment without regard to fault as a cause of the  
9 injury, except that there shall be no liability for compensation under  
10 this chapter when the injury has been solely occasioned by intoxication  
11 from alcohol or a controlled substance of the injured employee while on  
12 duty; or by wilful intention of the injured employee to bring about the  
13 injury or death of himself, herself or another; or where the injury or  
14 occupational disease was sustained by the injured employee in the perpe-  
15 tration of a felony or misdemeanor for which the employee is convicted;  
16 or where the injury was sustained in or caused by voluntary partic-  
17 ipation in an off-duty athletic activity not constituting part of the  
18 employee's work related duties unless the employer (a) requires the  
19 employee to participate in such activity, (b) compensates the employee  
20 for participating in such activity or (c) otherwise sponsors the activ-  
21 ity.

22 § 2. This act shall take effect immediately.

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

LBD03904-01-9