

# STATE OF NEW YORK

5948

2019-2020 Regular Sessions

## IN ASSEMBLY

February 20, 2019

Introduced by M. of A. RODRIGUEZ -- read once and referred to the Committee on Labor

AN ACT to amend the executive law, in relation to the authority of the New York black car operators' injury compensation fund, inc. to provide additional benefits

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

Section 1. Subdivisions 1 and 2 of section 160-jj of the executive law, as added by chapter 49 of the laws of 1999, are amended to read as follows:

1. To pay (a) the costs of the insurance purchased pursuant to subdivision three of section one hundred sixty-ii of this article or (b) the benefits due under the workers' compensation law in the event the fund self-insures pursuant to subdivision two of section one hundred sixty-ii of this article, and to pay (c) its expenses in carrying out its powers and duties under this article and (d) its liabilities, if any, pursuant to section fourteen-a of the workers' compensation law and (e) the costs incurred by a third-party not-for-profit organization, as authorized by the fund, in educating, sourcing, enrolling into and providing large groups of black car operators with additional health services and related benefits that black car operators do not typically have or have access to including, but not limited to, health insurance, life insurance, disability insurance, vision insurance, dental insurance, paid leave, retirement services, and financial services, the fund shall ascertain by reasonable estimate the total funding necessary to carry on its operations.

2. Based upon its estimation of operating costs, the fund shall establish a proposed uniform percentage surcharge to be added to (a) the invoices or billings for covered services sent to the customers of the fund's members by a member or its agent and (b) the credit payments for covered services received by a member or its agent. The proposed

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

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1 surcharge shall become effective thirty days after being filed with the  
2 department. Notwithstanding the foregoing, beginning on the first day of  
3 the first calendar month that shall commence at least seventy-five days  
4 after the effective date of this article, and until the fund shall have  
5 filed with the department a different surcharge amount, a three percent  
6 surcharge shall be added to every invoice or billing for covered  
7 services sent by a member or its agent to, and every credit payment for  
8 covered services received by a member or its agent from, the customers  
9 of the fund's members. The surcharge amounts not related to workers'  
10 compensation benefits and allocated for paragraph (e) of subdivision one  
11 of this section shall not be less than five percent nor shall they  
12 exceed ten percent. Each member of the fund shall be liable for payment  
13 to the fund of an amount equal to the product of (i) the percentages  
14 surcharge due pursuant to this article, divided by one hundred and (ii)  
15 all payments received by the member or its agent for covered services  
16 from the member's customers, as provided in this subdivision, regardless  
17 of whether the surcharge was billed or charged.

18 § 2. Paragraphs (f), (g) and (h) of subdivision 2 of section 160-gg of  
19 the executive law are relettered paragraphs (g), (h) and (i) and a new  
20 paragraph (f) is added to read as follows:

21 (f) establish a procedure to ensure delivery of prompt and accurate  
22 data to determine whether a black car operator is eligible for benefits  
23 under paragraph (e) of subdivision one of section one hundred sixty-jj  
24 of this article for instances where the black car operator works across  
25 multiple central dispatch facilities as defined in subdivision three of  
26 section one hundred sixty-cc of this article;

27 § 3. Section 160-jj of the executive law is amended by adding two new  
28 subdivisions (8) and (9) to read as follows:

29 (8) The third party not-for-profit organization providing benefits  
30 pursuant to paragraph (e) of subdivision one of this section, shall have  
31 experience in providing (procuring, sourcing or distributing) one or  
32 more of the benefits to be provided to more than five thousand black car  
33 operators. The fund shall choose this third-party not-for-profit organ-  
34 ization with the advice and consent of a driver's labor group that  
35 exists for the purpose, in whole or in part, of representing the inter-  
36 ests of black car operators. The labor group shall (a) be a not-for-pro-  
37 fit organization having tax exempt status under section 501 (c) (3) of  
38 the United States Internal Revenue Code, and (b) have been representing  
39 the interests of black car operators for a minimum of two years.

40 (9) No county, municipality or public authority or commission operat-  
41 ing within a county or municipality shall have the authority to impose a  
42 surcharge on black car operators or services for the purpose of provid-  
43 ing benefits pursuant to paragraph (e) of subdivision one of this  
44 section.

45 § 4. This act shall take effect on the ninetieth day after it shall  
46 have become a law.