

# STATE OF NEW YORK

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3347

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

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Introduced by M. of A. STECK -- Multi-Sponsored by -- M. of A. FAHY,  
SANTABARBARA -- read once and referred to the Committee on Local  
Governments

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to increasing certain disability payments and specifying payments for volunteer firefighters and ambulance workers injured in the line of duty on or after July first, two thousand twenty-one

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

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as  
2 amended by chapter 401 of the laws of 2016, is amended to read as  
3 follows:  
4 § 8. Permanent total disability benefits. In the case of total disability  
5 adjudged to be permanent the volunteer firefighter shall be paid  
6 ~~[six]~~ **nine** hundred dollars for each week during the continuance thereof.  
7 Permanent total disability, within the meaning of this section, shall  
8 exist only if the earning capacity of the volunteer firefighter has been  
9 lost permanently and totally as the result of the injury. The loss of  
10 both hands, or both arms, or both feet, or both legs, or both eyes, or  
11 any two thereof, shall, in the absence of conclusive proof to the  
12 contrary, constitute permanent total disability, but in all other cases  
13 permanent total disability shall be determined in accordance with the  
14 facts. Notwithstanding any other provisions of this chapter, an injured  
15 volunteer firefighter disabled due to the loss or total loss of use of  
16 both eyes, or both hands, or both arms, or both feet, or both legs, or  
17 any two thereof shall not suffer any diminution of such weekly benefit  
18 by engaging in business or employment provided his or her weekly earnings  
19 or wages, when combined with his or her weekly benefit shall not be  
20 in excess of eight hundred dollars; and further provided that the application  
21 of this section shall not result in reduction of benefits which

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

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1 an injured volunteer firefighter who is disabled due to the loss or  
2 total loss of use of both eyes, or both hands, or both arms, or both  
3 feet, or both legs, or any two thereof would otherwise be entitled to  
4 under any other provisions of this article.

5 § 2. Section 9 of the volunteer firefighters' benefit law, as amended  
6 by chapter 924 of the laws of 1990, is amended to read as follows:

7 § 9. Temporary total disability benefits. In the case of temporary  
8 total disability the volunteer firefighter shall be paid one hundred  
9 twenty-five dollars for each week during the continuance thereof;  
10 provided, however, that when the volunteer firefighter is injured in the  
11 line of duty on or after July first, nineteen hundred seventy-eight to  
12 December thirty-first, nineteen hundred seventy-eight, said firefighter  
13 shall receive one hundred eighty dollars per week during the continuance  
14 thereof; and further provided, that when the volunteer firefighter is  
15 injured in the line of duty on or after January first, nineteen hundred  
16 seventy-nine to June thirtieth, nineteen hundred eighty-three, said  
17 firefighter shall receive two hundred fifteen dollars per week during  
18 the continuance thereof; and further provided, that when the volunteer  
19 firefighter is injured in the line of duty on or after July first, nine-  
20 teen hundred eighty-three to June thirtieth, nineteen hundred eighty-  
21 four, said firefighter shall receive two hundred fifty-five dollars per  
22 week during the continuance thereof; and further provided, that when the  
23 volunteer firefighter is injured in the line of duty on or after July  
24 first, nineteen hundred eighty-four to June thirtieth, nineteen hundred  
25 eighty-five, said firefighter shall receive two hundred seventy-five  
26 dollars per week during the continuance thereof; and further provided,  
27 that when the volunteer firefighter is injured in the line of duty on or  
28 after July first, nineteen hundred eighty-five to June thirtieth, nine-  
29 teen hundred ninety, said firefighter shall receive three hundred  
30 dollars per week during the continuance thereof; and further provided,  
31 that when the volunteer firefighter is injured in the line of duty on or  
32 after July first, nineteen hundred ninety to June thirtieth, nineteen  
33 hundred ninety-one, said firefighter shall receive three hundred forty  
34 dollars per week during the continuance thereof; and further provided,  
35 that when a volunteer firefighter is injured in the line of duty on or  
36 after July first, nineteen hundred ninety-one to June thirtieth, nine-  
37 teen hundred ninety-two, said firefighter shall receive three hundred  
38 fifty dollars per week during the continuance thereof; and further  
39 provided, that when a volunteer firefighter is injured in the line of  
40 duty on or after July first, [~~nineteen hundred ninety-two~~] two thousand  
41 twenty-one, said firefighter shall receive [~~four~~] nine hundred dollars  
42 per week during the continuance thereof. Temporary total disability,  
43 within the meaning of this section, shall exist only if the earning  
44 capacity of the volunteer firefighter has been lost temporarily and  
45 totally as the result of the injury. In case of temporary total disabil-  
46 ity and permanent partial disability both resulting from the same inju-  
47 ry, if the temporary total disability continues for a longer period than  
48 the number of weeks set forth in the following schedule, the period of  
49 temporary total disability in excess of such number of weeks shall be  
50 added to the period provided in section ten of this article: arm, thir-  
51 ty-two weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two  
52 weeks; ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four  
53 weeks; first finger, eighteen weeks; great toe, twelve weeks; second  
54 finger, twelve weeks; third finger, eight weeks; fourth finger, eight  
55 weeks; toe other than great toe, eight weeks. In any case resulting in  
56 loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb,

1 finger or toe, where the temporary total disability does not extend  
2 beyond the periods above mentioned for such injury, benefits shall be  
3 limited to the schedule contained in section ten of this article.

4 § 3. The opening paragraph and paragraph (g) of subdivision 1 of  
5 section 10 of the volunteer firefighters' benefit law, the opening para-  
6 graph as amended by chapter 21 of the laws of 1991, paragraph (g) as  
7 amended by chapter 584 of the laws of 1974, the opening subparagraph and  
8 subparagraph 4 of paragraph (g) as amended by chapter 476 of the laws of  
9 2018 and subparagraphs 1 and 2 of paragraph (g) as amended by chapter  
10 924 of the laws of 1990, are amended to read as follows:

11 In the case of disability partial in character, but permanent in qual-  
12 ity, the volunteer firefighter shall be paid ninety-five dollars for  
13 each week for the period specified in this subdivision, provided, howev-  
14 er, that when the volunteer firefighter is injured in the line of duty  
15 on or after January first, nineteen hundred seventy-eight to June thir-  
16 tieth, nineteen hundred eighty-three, such payment shall be one hundred  
17 five dollars for each week, and further provided that when a volunteer  
18 firefighter is injured in the line of duty on or after July first, nine-  
19 teen hundred eighty-three to and including June thirtieth, nineteen  
20 hundred eighty-four, such payments shall be one hundred twenty-five  
21 dollars for each week and provided further that when the volunteer fire-  
22 fighter is injured in the line of duty on or after July first, nineteen  
23 hundred eighty-four to and including June thirtieth, nineteen hundred  
24 eighty-five such payments shall be one hundred thirty-five dollars for  
25 each week and provided further that when the volunteer firefighter is  
26 injured in the line of duty on or after July first, nineteen hundred  
27 eighty-five to and including June thirtieth, nineteen hundred ninety  
28 such payments shall be one hundred fifty dollars for each week, and  
29 provided further that when the volunteer firefighter is injured in the  
30 line of duty on or after July first, nineteen hundred ninety to and  
31 including June thirtieth, nineteen hundred ninety-one such payments  
32 shall be two hundred eighty dollars for each week, and provided further  
33 that when the volunteer firefighter is injured in the line of duty on or  
34 after July first, nineteen hundred ninety-one to and including June  
35 thirtieth, nineteen hundred ninety-two such payments shall be three  
36 hundred fifty dollars for each week, and provided further that when the  
37 volunteer firefighter is injured in the line of duty on or after July  
38 first, nineteen hundred ninety-two such payments shall be four hundred  
39 dollars for each week, and provided further that when the volunteer  
40 firefighter is injured in the line of duty on or after July first, two  
41 thousand twenty-one such payments shall be nine hundred dollars for each  
42 week as follows:

43 (g) Other cases. In all other cases of permanent partial disability  
44 the volunteer firefighter shall be paid for each week during the contin-  
45 uance thereof, as follows:

46 1. If the percentage of loss of earning capacity is seventy-five per  
47 centum, or greater, he or she shall be paid ninety-five dollars for each  
48 week, provided, however, that when the volunteer firefighter is injured  
49 in the line of duty on or after January first, nineteen hundred seven-  
50 ty-eight to and including June thirtieth, nineteen hundred eighty-three,  
51 such payment shall be one hundred five dollars for each week provided,  
52 however, that when the volunteer firefighter is injured in the line of  
53 duty on or after July first, nineteen hundred eighty-three to and  
54 including June thirtieth, nineteen hundred eighty-four, such payment  
55 shall be one hundred twenty-five dollars for each week provided, howev-  
56 er, that when the volunteer firefighter is injured in the line of duty

1 on or after July first, nineteen hundred eighty-four to and including  
2 June thirtieth, nineteen hundred eighty-five such payment shall be one  
3 hundred thirty-five dollars for each week, provided, however, that when  
4 the volunteer firefighter is injured in the line of duty on or after  
5 July first, nineteen hundred eighty-five to and including June thirti-  
6 eth, nineteen hundred ninety such payment shall be one hundred fifty  
7 dollars for each week, provided, however, that when the volunteer fire-  
8 fighter is injured in the line of duty on or after July first, nineteen  
9 hundred ninety to and including June thirtieth, nineteen hundred nine-  
10 ty-one such payment shall be two hundred eighty dollars for each week,  
11 and provided further that when the volunteer firefighter is injured in  
12 the line of duty on or after July first, nineteen hundred ninety-one to  
13 and including June thirtieth, nineteen hundred ninety-two such payment  
14 shall be three hundred fifty dollars for each week, and provided further  
15 that when the volunteer firefighter is injured in the line of duty on or  
16 after July first, nineteen hundred ninety-two such payment shall be four  
17 hundred dollars for each week, and provided further that when the volun-  
18 teer firefighter is injured in the line of duty on or after July first,  
19 two thousand twenty-one such payment shall be nine hundred dollars for  
20 each week;

21 2. If the percentage of loss of earning capacity is fifty per centum,  
22 or greater, but less than seventy-five per centum, he or she shall be  
23 paid sixty-three dollars and thirty-three cents for each week, provided,  
24 however, that when the volunteer firefighter is injured in the line of  
25 duty on or after January first, nineteen hundred seventy-eight to and  
26 including June thirtieth, nineteen hundred eighty-three, such payment  
27 shall be seventy dollars for each week, provided, however, that when the  
28 volunteer firefighter is injured in the line of duty on or after July  
29 first, nineteen hundred eighty-three to and including June thirtieth,  
30 nineteen hundred eighty-four such payment shall be eighty-three dollars  
31 and thirty-three cents for each week, provided, however, that when the  
32 volunteer firefighter is injured in the line of duty on or after July  
33 first, nineteen hundred eighty-four, to and including June thirtieth,  
34 nineteen hundred eighty-five, such payment shall be ninety dollars for  
35 each week, provided, however, that when the volunteer firefighter is  
36 injured in the line of duty on or after July first, nineteen hundred  
37 eighty-five to and including June thirtieth, nineteen hundred ninety  
38 such payment shall be one hundred dollars for each week, provided,  
39 however, that when the volunteer firefighter is injured in the line of  
40 duty on or after July first, nineteen hundred ninety to and including  
41 June thirtieth, nineteen hundred ninety-one such payment shall be one  
42 hundred eighty-six dollars and seventy-six cents for each week,  
43 provided, however, that when the volunteer firefighter is injured in the  
44 line of duty on or after July first, nineteen hundred ninety-one to and  
45 including June thirtieth, nineteen hundred ninety-two such payment shall  
46 be two hundred thirty-four dollars and fifty cents for each week,  
47 provided, however, that when the volunteer firefighter is injured in the  
48 line of duty on or after July first, nineteen hundred ninety-two such  
49 payment shall be two hundred sixty-eight dollars for each week,  
50 provided, however, that when the volunteer firefighter is injured in the  
51 line of duty on or after July first, two thousand twenty-one such  
52 payment shall be five hundred thirty-six dollars for each week;

53 3. If the percentage of loss of earning capacity is twenty-five per  
54 centum, or greater, but less than fifty per centum, he shall be paid  
55 [~~thirty~~] two hundred dollars for each week;

1 4. If the percentage of loss of earning capacity is less than twenty-  
2 five per centum, he or she shall ~~[not]~~ be paid ~~[any weekly benefit.~~  
3 ~~Permanent partial disability, within the meaning of this paragraph,~~  
4 ~~shall exist only if the earning capacity of the volunteer firefighter~~  
5 ~~has been permanently and partially lost as the result of the injury. The~~  
6 ~~workers' compensation board shall determine the degree of such disabili-~~  
7 ~~ty and such board may reconsider such degree on its own motion or upon~~  
8 ~~application of any party in interest]~~ fifty dollars for each week.

9 § 4. Section 8 of the volunteer ambulance workers' benefit law, as  
10 amended by chapter 401 of the laws of 2016, is amended to read as  
11 follows:

12 § 8. Permanent total disability benefits. In the case of total disa-  
13 bility adjudged to be permanent the volunteer ambulance worker shall be  
14 paid ~~[six]~~ nine hundred dollars for each week during the continuance  
15 thereof. Permanent total disability, within the meaning of this section,  
16 shall exist only if the earning capacity of the volunteer ambulance  
17 worker has been lost permanently and totally as the result of the inju-  
18 ry. The loss of both hands, or both arms, or both feet, or both legs, or  
19 both eyes, or any two thereof, shall, in the absence of conclusive proof  
20 to the contrary, constitute permanent total disability, but in all other  
21 cases permanent total disability shall be determined in accordance with  
22 the facts. Notwithstanding any other provisions of this chapter, an  
23 injured volunteer ambulance worker disabled due to the loss or total  
24 loss of use of both eyes, or both hands, or both arms, or both feet, or  
25 both legs, or any two thereof shall not suffer any diminution of such  
26 weekly benefit by engaging in business or employment provided his or her  
27 weekly earnings or wages, when combined with his weekly benefit shall  
28 not be in excess of eight hundred dollars; and further provided that the  
29 application of this section shall not result in reduction of benefits  
30 which an injured volunteer ambulance worker who is disabled due to the  
31 loss or total loss of use of both eyes, or both hands, or both arms, or  
32 both feet, or both legs, or any two thereof would otherwise be entitled  
33 to under any other provisions of this article.

34 § 5. Section 9 of the volunteer ambulance workers' benefit law, as  
35 amended by chapter 924 of the laws of 1990, is amended to read as  
36 follows:

37 § 9. Temporary total disability benefits. In the case of temporary  
38 total disability the volunteer ambulance worker shall be paid three  
39 hundred dollars for each week during the continuance thereof; provided,  
40 however, that when the volunteer ambulance worker is injured in the line  
41 of duty on or after the effective date of this chapter to June thirti-  
42 eth, nineteen hundred ninety; further provided, that when the volunteer  
43 ambulance worker is injured in the line of duty on or after July first,  
44 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,  
45 said ambulance worker shall receive three hundred forty dollars per week  
46 during the continuance thereof, and further provided, that when a volun-  
47 teer ambulance worker is injured in the line of duty on or after July  
48 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred  
49 ninety-two, said ambulance worker shall receive three hundred fifty  
50 dollars per week during the continuance thereof; provided further that  
51 when a volunteer ambulance worker is injured in the line of duty on or  
52 after July first, nineteen hundred ninety-two such ambulance worker  
53 shall be paid four hundred dollars for each week during the continuance  
54 thereof; provided further that when a volunteer ambulance worker is  
55 injured in the line of duty on or after July first, two thousand twen-  
56 ty-one such ambulance worker shall be paid nine hundred dollars for each



1 week during the continuance thereof. Temporary total disability, within  
2 the meaning of this section, shall exist only if the earning capacity of  
3 the volunteer ambulance worker has been lost temporarily and totally as  
4 the result of the injury. In case of temporary total disability and  
5 permanent partial disability both resulting from the same injury, if the  
6 temporary total disability continues for a longer period than the number  
7 of weeks set forth in the following schedule, the period of temporary  
8 total disability in excess of such number of weeks shall be added to the  
9 period provided in section ten of this chapter: arm, thirty-two weeks;  
10 leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear,  
11 twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first  
12 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve  
13 weeks; third finger, eight weeks, fourth finger, eight weeks; toe other  
14 than great toe, eight weeks. In any case resulting in loss or partial  
15 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,  
16 where the temporary total disability does not extend beyond the periods  
17 above mentioned for such injury, benefits shall be limited to the sched-  
18 ule contained in section ten of this chapter.

19 § 6. The opening paragraph and paragraph g of subdivision 1 of section  
20 10 of the volunteer ambulance workers' benefit law, the opening para-  
21 graph as amended by chapter 21 of the laws of 1991, paragraph g as  
22 amended by chapter 604 of the laws of 1989 and subparagraphs 1 and 2 of  
23 paragraph g as amended by chapter 924 of the laws of 1990, are amended  
24 to read as follows:

25 In the case of disability partial in character, but permanent in qual-  
26 ity, the volunteer ambulance worker, injured in the line of duty shall  
27 be paid one hundred fifty dollars for each week for the period specified  
28 in this subdivision, provided, however, that when the volunteer ambu-  
29 lance worker is injured in the line of duty on or after the effective  
30 date of this chapter to and including June thirtieth, nineteen hundred  
31 ninety, and provided further that when the volunteer ambulance worker is  
32 injured in the line of duty on or after July first, nineteen hundred  
33 ninety to and including June thirtieth, nineteen hundred ninety-one such  
34 payments shall be two hundred eighty dollars for each week, and provided  
35 further that when the volunteer ambulance worker is injured in the line  
36 of duty on or after July first, nineteen hundred ninety-one to and  
37 including June thirtieth, nineteen hundred ninety-two such payments  
38 shall be three hundred fifty dollars for each week; and provided further  
39 that when the volunteer ambulance worker is injured in the line of duty  
40 on or after July first, nineteen hundred ninety-two such payments shall  
41 be four hundred dollars for each week; and provided further that when  
42 the volunteer ambulance worker is injured in the line of duty on or  
43 after July first, two thousand twenty-one such payments shall be nine  
44 hundred dollars for each week as follows:

45 g. Other cases. In all other cases of permanent partial disability the  
46 volunteer ambulance worker shall be paid for each week, during the  
47 continuance thereof, as follows:

48 (1) If the percentage of loss of earning capacity is seventy-five per  
49 centum, or greater, he or she shall be paid one hundred fifty dollars  
50 for each week, provided, however, that the volunteer ambulance worker is  
51 injured in the line of duty on or after the effective date of this chap-  
52 ter to and including June thirtieth, nineteen hundred ninety, provided,  
53 however, that when the volunteer ambulance worker is injured in the line  
54 of duty on or after July first, nineteen hundred ninety to and including  
55 June thirtieth, nineteen hundred ninety-one such payment shall be two  
56 hundred eighty dollars for each week, and provided further that when the

1 volunteer ambulance worker is injured in the line of duty on or after  
2 July first, nineteen hundred ninety-one to and including June thirtieth,  
3 nineteen hundred ninety-two such payment shall be three hundred fifty  
4 dollars for each week; and provided further that when the volunteer  
5 ambulance worker is injured in the line of duty on or after July first,  
6 nineteen hundred ninety-two such payments shall be four hundred dollars  
7 for each week; and provided further that when the volunteer ambulance  
8 worker is injured in the line of duty on or after July first, two thou-  
9 sand twenty-one, such payments shall be nine hundred dollars for each  
10 week.

11 (2) If the percentage of loss of earning capacity is fifty per centum,  
12 or greater, but less than seventy-five per centum, he or she shall be  
13 paid one hundred dollars for each week, provided, however, that the  
14 volunteer ambulance worker is injured in the line of duty on or after  
15 the effective date of this chapter to and including June thirtieth,  
16 nineteen hundred ninety, provided, however, that when the volunteer  
17 ambulance worker is injured in the line of duty on or after July first,  
18 nineteen hundred ninety to and including June thirtieth, nineteen  
19 hundred ninety-one, such payment shall be one hundred eighty-six dollars  
20 and seventy-six cents for each week, provided, however, that when the  
21 volunteer ambulance worker is injured in the line of duty on or after  
22 July first, nineteen hundred ninety-one to and including June thirtieth,  
23 nineteen hundred ninety-two, such payment shall be two hundred thirty-  
24 four dollars and fifty cents for each week; provided, however, that when  
25 the volunteer ambulance worker is injured in the line of duty on or  
26 after July first, nineteen hundred ninety-two, such payment shall be two  
27 hundred sixty-eight dollars for each week; provided, however, that when  
28 the volunteer ambulance worker is injured in the line of duty on or  
29 after July first, two thousand twenty-one, such payment shall be five  
30 hundred thirty-six dollars for each week.

31 (3) If the percentage of loss of earning capacity is twenty-five  
32 percentum, or greater, but less than fifty per centum, he or she shall  
33 be paid [~~thirty~~] two hundred dollars for each week.

34 (4) If the percentage of loss of earning capacity is less than twen-  
35 ty-five per centum, he or she shall [~~not~~] be paid [~~any weekly benefit~~]  
36 fifty dollars per week.

37 Permanent partial disability, within the meaning of this paragraph,  
38 shall exist only if the earning capacity of the volunteer ambulance  
39 worker has been permanently and partially lost as the result of the  
40 injury. The workers' compensation board shall determine the degree of  
41 such disability and such board may reconsider such degree on its own  
42 motion or upon application of any party in interest.

43 § 7. This act shall take effect immediately.