

STATE OF NEW YORK

3597

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. McMAHON, GRIFFIN, ENGLEBRIGHT, GUNTHER, BUTTENS-
CHON, GOTTFRIED, COLTON, TAYLOR, SANTABARBARA, SIMON -- read once and
referred to the Committee on Local Governments

AN ACT to amend the volunteer firefighters' benefit law and the volun-
teer ambulance workers' benefit law, in relation to increasing the
amount of certain benefits

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

Section 1. Section 8 of the volunteer firefighters' benefit law, as
amended by chapter 401 of the laws of 2016, is amended to read as
follows:

§ 8. Permanent total disability benefits. In the case of total disa-
bility adjudged to be permanent the volunteer firefighter shall be paid
~~[six]~~ twelve hundred dollars for each week during the continuance there-
of. Permanent total disability, within the meaning of this section,
shall exist only if the earning capacity of the volunteer firefighter
has been lost permanently and totally as the result of the injury. The
loss of both hands, or both arms, or both feet, or both legs, or both
eyes, or any two thereof, shall, in the absence of conclusive proof to
the contrary, constitute permanent total disability, but in all other
cases permanent total disability shall be determined in accordance with
the facts. Notwithstanding any other provisions of this chapter, an
injured volunteer firefighter disabled due to the loss or total loss of
use of both eyes, or both hands, or both arms, or both feet, or both
legs, or any two thereof shall not suffer any diminution of such weekly
benefit by engaging in business or employment provided his or her weekly
earnings or wages, when combined with his or her weekly benefit shall
not be in excess of ~~[eight]~~ sixteen hundred dollars; and further
provided that the application of this section shall not result in
reduction of benefits which an injured volunteer firefighter who is
disabled due to the loss or total loss of use of both eyes, or both

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

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1 hands, or both arms, or both feet, or both legs, or any two thereof
2 would otherwise be entitled to under any other provisions of this arti-
3 cle.

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

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

than great toe, eight weeks. In any case resulting in loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, benefits shall be limited to the schedule contained in section ten of this article.

§ 3. Section 10 of the volunteer firefighters' benefit law, subdivision 1 as amended by chapter 175 of the laws of 1962, the opening paragraph of subdivision 1 as amended by chapter 21 of the laws of 1991, paragraph (d) of subdivision 1 as amended by chapter 604 of the laws of 1989, subdivision (e) of subdivision 1 and subparagraphs 1 and 2 of paragraph (g) of subdivision 1 as amended by chapter 924 of the laws of 1990, paragraph (g) of subdivision 1 as amended by chapter 584 of the laws of 1974, the opening subparagraph and subparagraph 4 of paragraph (g) of subdivision 1 and subdivision 3 as amended by chapter 476 of the laws of 2018, is amended to read as follows:

§ 10. Permanent partial disability benefits. 1. In the case of disability partial in character, but permanent in quality, the volunteer firefighter shall be paid ninety-five dollars for each week for the period specified in this subdivision, provided, however, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-eight to June thirtieth, nineteen hundred eighty-three, such payment shall be one hundred five dollars for each week, and further provided that when a volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to and including June thirtieth, nineteen hundred eighty-four, such payments shall be one hundred twenty-five dollars for each week and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-four to and including June thirtieth, nineteen hundred eighty-five such payments shall be one hundred thirty-five dollars for each week and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-five to and including June thirtieth, nineteen hundred ninety such payments shall be one hundred fifty dollars for each week, and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payments shall be two hundred eighty dollars for each week, and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such payments shall be three hundred fifty dollars for each week, and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-two such payments shall be four hundred dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after March first, two thousand twenty-one such payment shall be eight hundred dollars for each week as follows:

(a) Loss of member.

Member lost	Number of weeks
Arm	312
Leg	288
Hand	244
Foot	205
Eye	160
Thumb	75

1	First finger	46
2	Great toe	38
3	Second finger	30
4	Third finger	25
5	Toe other than great toe	16
6	Fourth finger	15

7 If more than one phalange of a digit shall be lost, the period shall be
8 the same as for the loss of the entire digit. If only the first phalange
9 shall be lost, the period shall be one-half the period for loss of the
10 entire digit. The period for loss or loss of use of two or more digits,
11 or one or more phalanges of two or more digits, of a hand or foot, may
12 be proportioned to the period for the loss of use of the hand or foot
13 occasioned thereby, but shall not exceed the period for the loss of a
14 hand or foot. If an arm or leg shall be amputated at or above the wrist
15 or ankle, the period for such loss shall be in proportion to the period
16 for the loss of the arm or leg. In the case of loss of binocular vision
17 or of eighty per centum or more of the vision of an eye, the period
18 shall be the same as for the loss of the eye.

19 (b) Loss of hearing. In the case of the complete loss of the hearing
20 of one ear, sixty weeks; for the loss of hearing of both ears, one
21 hundred fifty weeks.

22 (c) Total loss of use. In the case of permanent total loss of use of a
23 member, the period shall be the same as for the loss of the member.

24 (d) Partial loss or partial loss of use. Except as above provided in
25 this subdivision, in the case of permanent partial loss or loss of use
26 of a member, the period shall be for the proportionate loss or loss of
27 use of the member. Compensation for permanent partial loss of use of an
28 eye shall be awarded on the basis of uncorrected loss of vision or
29 corrected loss of vision resulting from an injury whichever is the
30 greater.

31 (e) Disfigurement. In the case of serious facial or head disfigure-
32 ment, including a disfigurement continuous in length which is partly in
33 the facial area and also extends into the neck region as described in
34 this paragraph, the volunteer firefighter shall be paid in a lump sum a
35 proper and equitable amount, which shall be determined by the workers'
36 compensation board. If the earning capacity of the volunteer firefighter
37 shall have been impaired, or may in the future be impaired, by any seri-
38 ous disfigurement in the region above the sterno clavicular artic-
39 ulations anterior to and including the region of the sterno cleido
40 mastoid muscles on either side, the volunteer firefighter shall be paid
41 in a lump sum a proper and equitable amount which shall be determined by
42 such board. Two or more serious disfigurements, not continuous in
43 length, resulting from the same injury, if partially in the facial area
44 and partially in such neck region, shall be deemed to be a facial
45 disfigurement. An award, or the aggregate of the awards, to a volunteer
46 firefighter under this paragraph shall not exceed [~~twenty~~] **forty** thou-
47 sand dollars.

48 (f) Total or partial loss or loss of use of more than one member. In
49 any case in which there shall be a loss or loss of use of more than one
50 member or parts of more than one member set forth above in paragraphs a
51 to e, both inclusive, of this subdivision, but not amounting to perma-
52 nent total disability, the periods for loss or loss of use of each such
53 member or part thereof shall run consecutively.

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

1. If the percentage of loss of earning capacity is seventy-five per centum, or greater, he or she shall be paid ninety-five dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-eight to and including June thirtieth, nineteen hundred eighty-three, such payment shall be one hundred five dollars for each week provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to and including June thirtieth, nineteen hundred eighty-four, such payment shall be one hundred twenty-five dollars for each week provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-four to and including June thirtieth, nineteen hundred eighty-five such payment shall be one hundred thirty-five dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-five to and including June thirtieth, nineteen hundred ninety such payment shall be one hundred fifty dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payment shall be two hundred eighty dollars for each week, and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such payment shall be three hundred fifty dollars for each week, and provided further that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-two such payment shall be four hundred dollars for each week; provided, however, that when the volunteer firefighter is injured in the line of duty on or after March first, two thousand twenty-one such payment shall be eight hundred dollars for each week;

2. If the percentage of loss of earning capacity is fifty per centum, or greater, but less than seventy-five per centum, he or she shall be paid sixty-three dollars and thirty-three cents for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-eight to and including June thirtieth, nineteen hundred eighty-three, such payment shall be seventy dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to and including June thirtieth, nineteen hundred eighty-four such payment shall be eighty-three dollars and thirty-three cents for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-four, to and including June thirtieth, nineteen hundred eighty-five, such payment shall be ninety dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-five to and including June thirtieth, nineteen hundred ninety such payment shall be one hundred dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payment shall be one hundred eighty-six dollars and seventy-six cents for each week,

provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such payment shall be two hundred thirty-four dollars and fifty cents for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred ninety-two such payment shall be two hundred sixty-eight dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after March first, two thousand twenty-one, such payment shall be five hundred thirty-six dollars for each week;

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

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

2. An award made to a claimant under this section shall in case of death arising from causes other than the injury be payable to and for the benefit of the persons following:

(a) If there be a surviving spouse and no child of the deceased under the age of eighteen years, to such spouse.

(b) If there be a surviving spouse and surviving child or children of the deceased under the age of eighteen years, one-half shall be payable to the surviving spouse and the other half to the surviving child or children.

(c) If there be a surviving child or children of the deceased under the age of eighteen years, but no surviving spouse, then to such child or children.

(d) If there be no surviving spouse and no surviving child or children of the deceased under the age of eighteen years, then to such dependent or dependents as defined in section seven of this chapter, as directed by the [~~workmen's~~ workers'] compensation board; and if there shall be no such dependents, then to the estate of such deceased in an amount not exceeding reasonable funeral expenses as provided in subdivision one of section seven of this chapter, or, if there be no estate, to the person or persons paying the funeral expenses of such deceased in an amount not exceeding reasonable funeral expenses as provided in such subdivision one.

3. An award for disability may be made after the death of the volunteer firefighter.

§ 4. Subdivision 1 of section 11 of the volunteer firefighters' benefit law, as amended by chapter 924 of the laws of 1990, is amended to read as follows:

1. If the percentage of loss of earning capacity is seventy-five per centum, or greater, he or she shall be paid ninety-five dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after January first, nineteen hundred seventy-eight to and including June thirtieth, nineteen hundred eighty-three, such payment shall be one hundred five dollars for each week, provided, however, that when the volunteer firefighter is injured in the line of duty on or after July first, nineteen hundred eighty-three to and

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

24 § 5. Section 8 of the volunteer ambulance workers' benefit law, as
25 amended by chapter 401 of the laws of 2016, is amended to read as
26 follows:

27 § 8. Permanent total disability benefits. In the case of total disa-
28 bility adjudged to be permanent the volunteer ambulance worker shall be
29 paid [~~six~~] twelve hundred dollars for each week during the continuance
30 thereof. Permanent total disability, within the meaning of this section,
31 shall exist only if the earning capacity of the volunteer ambulance
32 worker has been lost permanently and totally as the result of the inju-
33 ry. The loss of both hands, or both arms, or both feet, or both legs, or
34 both eyes, or any two thereof, shall, in the absence of conclusive proof
35 to the contrary, constitute permanent total disability, but in all other
36 cases permanent total disability shall be determined in accordance with
37 the facts. Notwithstanding any other provisions of this chapter, an
38 injured volunteer ambulance worker disabled due to the loss or total
39 loss of use of both eyes, or both hands, or both arms, or both feet, or
40 both legs, or any two thereof shall not suffer any diminution of such
41 weekly benefit by engaging in business or employment provided his or her
42 weekly earnings or wages, when combined with his weekly benefit shall
43 not be in excess of [~~eight~~] sixteen hundred dollars; and further
44 provided that the application of this section shall not result in
45 reduction of benefits which an injured volunteer ambulance worker who is
46 disabled due to the loss or total loss of use of both eyes, or both
47 hands, or both arms, or both feet, or both legs, or any two thereof
48 would otherwise be entitled to under any other provisions of this arti-
49 cle.

50 § 6. Section 9 of the volunteer ambulance workers' benefit law, as
51 amended by chapter 924 of the laws of 1990, is amended to read as
52 follows:

53 § 9. Temporary total disability benefits. In the case of temporary
54 total disability the volunteer ambulance worker shall be paid three
55 hundred dollars for each week during the continuance thereof; provided,
56 however, that when the volunteer ambulance worker is injured in the line

1 of duty on or after the effective date of this chapter to June thirti-
2 eth, nineteen hundred ninety; further provided, that when the volunteer
3 ambulance worker is injured in the line of duty on or after July first,
4 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,
5 said ambulance worker shall receive three hundred forty dollars per week
6 during the continuance thereof, and further provided, that when a volun-
7 teer ambulance worker is injured in the line of duty on or after July
8 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred
9 ninety-two, said ambulance worker shall receive three hundred fifty
10 dollars per week during the continuance thereof; provided further that
11 when a volunteer ambulance worker is injured in the line of duty on or
12 after July first, nineteen hundred ninety-two such ambulance worker
13 shall be paid four hundred dollars for each week during the continuance
14 thereof; provided further that when a volunteer ambulance worker is
15 injured in the line of duty on or after March first, two thousand twen-
16 ty-one such ambulance worker shall be paid eight hundred dollars for
17 each week during the continuance thereof. Temporary total disability,
18 within the meaning of this section, shall exist only if the earning
19 capacity of the volunteer ambulance worker has been lost temporarily and
20 totally as the result of the injury. In case of temporary total disabil-
21 ity and permanent partial disability both resulting from the same inju-
22 ry, if the temporary total disability continues for a longer period than
23 the number of weeks set forth in the following schedule, the period of
24 temporary total disability in excess of such number of weeks shall be
25 added to the period provided in section ten of this chapter: arm, thir-
26 ty-two weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two
27 weeks; ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four
28 weeks; first finger, eighteen weeks; great toe, twelve weeks; second
29 finger, twelve weeks; third finger, eight weeks, fourth finger, eight
30 weeks; toe other than great toe, eight weeks. In any case resulting in
31 loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb,
32 finger or toe, where the temporary total disability does not extend
33 beyond the periods above mentioned for such injury, benefits shall be
34 limited to the schedule contained in section ten of this chapter.

35 § 7. Subdivision 1 of section 10 of the volunteer ambulance workers'
36 benefit law, as amended by chapter 604 of the laws of 1989, the opening
37 paragraph as amended by chapter 21 of the laws of 1991, paragraph e and
38 subparagraphs 1 and 2 of paragraph g as amended by chapter 924 of the
39 laws of 1990, is amended to read as follows:

40 1. In the case of disability partial in character, but permanent in
41 quality, the volunteer ambulance worker, injured in the line of duty
42 shall be paid one hundred fifty dollars for each week for the period
43 specified in this subdivision, provided, however, that when the volun-
44 teer ambulance worker is injured in the line of duty on or after the
45 effective date of this chapter to and including June thirtieth, nineteen
46 hundred ninety, and provided further that when the volunteer ambulance
47 worker is injured in the line of duty on or after July first, nineteen
48 hundred ninety to and including June thirtieth, nineteen hundred nine-
49 ty-one such payments shall be two hundred eighty dollars for each week,
50 and provided further that when the volunteer ambulance worker is injured
51 in the line of duty on or after July first, nineteen hundred ninety-one
52 to and including June thirtieth, nineteen hundred ninety-two such
53 payments shall be three hundred fifty dollars for each week; and
54 provided further that when the volunteer ambulance worker is injured in
55 the line of duty on or after July first, nineteen hundred ninety-two
56 such payments shall be four hundred dollars for each week; provided

further that when a volunteer ambulance worker is injured in the line of duty on or after March first, two thousand twenty-one such ambulance worker shall be paid eight hundred dollars for each week as follows:

a. Loss of member.

Member lost	Number of weeks
Arm	312
Leg	288
Hand	244
Foot	205
Eye	160
Thumb	75
First finger	46
Great toe	38
Second finger	30
Third finger	25
Toe other than great toe	16
Fourth finger	15

If more than one phalange of a digit shall be lost, the period shall be the same as for the loss of the entire digit. If only the first phalange shall be lost, the period shall be one-half the period for loss of the entire digit. The period for loss or loss of use of two or more digits, or one or more phalanges of two or more digits, of a hand or foot, may be proportioned to the period for the loss of use of the hand or foot occasioned thereby, but shall not exceed the period for the loss of a hand or foot. If an arm or leg shall be amputated at or above the wrist or ankle, the period for such loss shall be in proportion to the period for the loss of the arm or leg. In the case of loss of binocular vision or of eighty per centum or more of the vision of an eye, the period shall be the same as for the loss of the eye.

b. Loss of hearing. In the case of the complete loss of the hearing of one ear, sixty weeks; for the loss of hearing of both ears, one hundred fifty weeks.

c. Total loss of use. In the case of permanent total loss of use of a member, the compensation shall be the same as for the loss of the member.

d. Partial loss or partial loss of use. Except as above provided in this subdivision, in the case of permanent partial loss or loss of use of a member, the period shall be for the proportionate loss or loss of use of the member. Compensation for permanent partial loss of use of an eye shall be awarded on the basis of uncorrected loss of vision or corrected loss of vision resulting from an injury which ever is greater.

e. Disfigurement. In the case of serious facial or head disfigurement, including a disfigurement continuous in length which is partly in the facial area and also extends into the neck region as described in this paragraph, the volunteer ambulance worker shall be paid in a lump sum a proper and equitable amount, which shall be determined by the workers' compensation board. If the earning capacity of the volunteer ambulance worker shall have been impaired, or may in the future be impaired, by any serious disfigurement in the region above the sterno clavicular articulations anterior to and including the region of the sterno cleido mastoid muscles on either side, the volunteer ambulance worker shall be paid in a lump sum a proper and equitable amount which shall be determined by such board. Two or more serious disfigurements, not continuous in length, resulting from the same injury, if partially in the facial area and partially in such neck region, shall be deemed to be a facial disfigurement. An award, or the aggregate of the awards, to a volunteer

1 ambulance worker under this paragraph shall not exceed [~~twenty~~] forty
2 thousand dollars.

3 f. Total or partial loss or loss of use of more than one member. In
4 any case in which there shall be a loss or loss of use of more than one
5 member or parts of more than one member set forth above in paragraphs a
6 to e, both inclusive, of this subdivision, but not amounting to perma-
7 nent total disability, the periods for loss or loss of use of each such
8 member or part thereof shall run consecutively.

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

12 (1) If the percentage of loss of earning capacity is seventy-five per
13 centum, or greater, he or she shall be paid one hundred fifty dollars
14 for each week, provided, however, that the volunteer ambulance worker is
15 injured in the line of duty on or after the effective date of this chap-
16 ter to and including June thirtieth, nineteen hundred ninety, provided,
17 however, that when the volunteer ambulance worker is injured in the line
18 of duty on or after July first, nineteen hundred ninety to and including
19 June thirtieth, nineteen hundred ninety-one such payment shall be two
20 hundred eighty dollars for each week, and provided further 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 three hundred fifty
24 dollars for each week; and provided further that when the volunteer
25 ambulance worker is injured in the line of duty on or after July first,
26 nineteen hundred ninety-two such payments shall be four hundred dollars
27 for each week; provided further that when a volunteer ambulance worker
28 is injured in the line of duty on or after March first, two thousand
29 twenty-one such ambulance worker shall be paid eight hundred dollars for
30 each week during the continuance thereof.

31 (2) If the percentage of loss of earning capacity is fifty per centum,
32 or greater, but less than seventy-five per centum, he or she shall be
33 paid one hundred dollars for each week, provided, however, that the
34 volunteer ambulance worker is injured in the line of duty on or after
35 the effective date of this chapter to and including June thirtieth,
36 nineteen hundred ninety, provided, however, that when the volunteer
37 ambulance worker is injured in the line of duty on or after July first,
38 nineteen hundred ninety to and including June thirtieth, nineteen
39 hundred ninety-one, such payment shall be one hundred eighty-six dollars
40 and seventy-six cents for each week, provided, however, that when the
41 volunteer ambulance worker is injured in the line of duty on or after
42 July first, nineteen hundred ninety-one to and including June thirtieth,
43 nineteen hundred ninety-two, such payment shall be two hundred thirty-
44 four dollars and fifty cents for each week; provided, however, that when
45 the volunteer ambulance worker is injured in the line of duty on or
46 after July first, nineteen hundred ninety-two, such payment shall be two
47 hundred sixty-eight dollars for each week, provided, however, that when
48 the volunteer ambulance worker is injured in the line of duty on or
49 after March first, two thousand twenty-one, such payment shall be five
50 hundred thirty-six dollars for each week.

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

54 (4) If the percentage of loss of earning capacity is less than twen-
55 ty-five per centum, he or she shall not be paid any weekly benefit.

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

7 § 8. Section 11 of the volunteer ambulance workers' benefit law, as
8 amended by chapter 604 of the laws of 1989, subdivisions 1 and 2 as
9 amended by chapter 924 of the laws of 1990, is amended to read as
10 follows:

11 § 11. Temporary partial disability benefits. In the case of temporary
12 partial disability the volunteer ambulance worker shall be paid for each
13 week during the continuance thereof, as follows:

14 1. If the percentage of loss of earning capacity is seventy-five per
15 centum, or greater, he or she shall be paid one hundred fifty dollars
16 for each week, provided, however, that the volunteer ambulance worker is
17 injured in the line of duty on or after the effective date of this chap-
18 ter to and including June thirtieth, nineteen hundred ninety, provided,
19 however, that when the volunteer ambulance worker is injured in the line
20 of duty on or after July first, nineteen hundred ninety to and including
21 June thirtieth, nineteen hundred ninety-one, such payment shall be two
22 hundred eighty dollars for each week, provided, however, that when the
23 volunteer ambulance worker is injured in the line of duty on or after
24 July first, nineteen hundred ninety-one to and including June thirtieth,
25 nineteen hundred ninety-two, such payment shall be three hundred fifty
26 dollars for each week; and provided further that when the volunteer
27 ambulance worker is injured in the line of duty on or after July first,
28 nineteen hundred ninety-two such payments shall be four hundred dollars
29 for each week; provided further that when a volunteer ambulance worker
30 is injured in the line of duty on or after March first, two thousand
31 twenty-one such ambulance worker shall be paid eight hundred dollars for
32 each week.

33 2. If the percentage of loss of earning capacity is fifty per centum,
34 or greater, but less than seventy-five per centum, he or she shall be
35 paid one hundred dollars for each week, provided, however, that the
36 volunteer ambulance worker is injured in the line of duty on or after
37 the effective date of this chapter to and including June thirtieth,
38 nineteen hundred ninety, provided, however, that when the volunteer
39 ambulance worker is injured in the line of duty on or after July first,
40 nineteen hundred ninety to and including June thirtieth, nineteen
41 hundred ninety-one, such payment shall be one hundred eighty-six dollars
42 and seventy-six cents for each week, provided, however, that when the
43 volunteer ambulance worker is injured in the line of duty on or after
44 July first, nineteen hundred ninety-one to and including June thirtieth,
45 nineteen hundred ninety-two, such payment shall be two hundred thirty-
46 four dollars and fifty cents for each week; provided, however, that when
47 the volunteer ambulance worker is injured in the line of duty on or
48 after July first, nineteen hundred ninety-two, such payment shall be two
49 hundred sixty-eight dollars for each week, provided, however, that when
50 the volunteer ambulance worker is injured in the line of duty on or
51 after March first, two thousand twenty-one, such payment shall be five
52 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 or she shall be
55 paid [~~thirty~~] sixty 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 Temporary partial disability, within the meaning of this section,
4 shall exist only if the earning capacity of the volunteer ambulance
5 worker has been temporarily and partially lost as the result of the
6 injury. The workers' compensation board shall determine the degree of
7 such disability and such board may reconsider such degree on its own
8 motion or upon application of any party in interest.
9 § 9. This act shall take effect immediately.