STATE OF NEW YORK

9737

IN ASSEMBLY

March 28, 2022

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

AN ACT to amend the workers' compensation law, in relation to eliminating certain penalties assessed in relation to certain notice requirements; and to repeal certain provisions of the workers' compensation law relating thereto

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

Section 1. Paragraphs (c) and (d) of subdivision 1 of section 25 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, are amended to read as follows:

(c) If the employer or insurance carrier does not controvert the injured worker's right to compensation such employer or insurance carrier shall, either on or before the eighteenth day after disability, or within ten days after the employer first has knowledge of the alleged accident, whichever period is the greater, begin paying compensation and shall immediately notify the chair in accordance with a form to be prescribed by him, that the payment of compensation has begun, accompanied by the further statement that the employer or insurance carrier, as the case may be, will notify the chair when the payment of compensation has been stopped. **Notwithstanding any other contrary provision of law, the penalties described in paragraph (e) of subdivision three of this section shall not apply to this paragraph.**

(d) Whenever for any reason compensation payments cease, the employer or its insurance carrier shall within sixteen days thereafter, send to the chair a notice on a form prescribed by the chair that such payment has been stopped, which notice shall contain the name of the injured employee or his or her principle dependent, the date of accident, the date to which compensation has been paid and the whole amount of compensation paid. [~~In case the employer or its insurance carrier fails so to notify the chair of the cessation of payments within sixteen days after the date on which compensation has been paid, the board may impose a penalty upon such employer or its insurance carrier in the amount of~~

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

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~~three hundred dollars, which shall be paid to the claimant. Such penalty shall be collected in like manner as an award of compensation.~~]

§ 2. The closing paragraph of paragraph (a) of subdivision 2 of section 25 of the workers' compensation law, as amended by section 1 of subpart D of part NNN of chapter 59 of the laws of 2017, is amended to read as follows:

If the insurance carrier shall fail [~~either~~] to [~~file notice of controversy or~~] begin payment of compensation within the prescribed period or within ten days after receipt of a copy of the notice required in section one hundred ten of this chapter, whichever period is the greater, the board may impose a penalty in the amount of three hundred dollars, which shall be in addition to all other penalties provided for in this chapter and shall be paid to the claimant. Such penalty shall be collected in like manner as an award of compensation.

§ 3. Paragraph (g) of subdivision 3 of section 25 of the workers' compensation law is REPEALED.

§ 4. This act shall take effect immediately.