

# STATE OF NEW YORK

1340

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

Introduced by Sens. BROOKS, ADDABBO, BAILEY, HARCKHAM, MAYER, MYRIE, PARKER, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law and the volunteer 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 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 disa-  
5 bility adjudged to be permanent the volunteer firefighter shall be paid  
6 [~~six~~] twelve hundred dollars for each week during the continuance there-  
7 of. Permanent total disability, within the meaning of this section,  
8 shall exist only if the earning capacity of the volunteer firefighter  
9 has been lost permanently and totally as the result of the injury. The  
10 loss of both hands, or both arms, or both feet, or both legs, or both  
11 eyes, or any two thereof, shall, in the absence of conclusive proof to  
12 the contrary, constitute permanent total disability, but in all other  
13 cases permanent total disability shall be determined in accordance with  
14 the facts. Notwithstanding any other provisions of this chapter, an  
15 injured volunteer firefighter disabled due to the loss or total loss of  
16 use of both eyes, or both hands, or both arms, or both feet, or both  
17 legs, or any two thereof shall not suffer any diminution of such weekly  
18 benefit by engaging in business or employment provided his or her weekly  
19 earnings or wages, when combined with his or her weekly benefit shall  
20 not be in excess of [~~eight~~] sixteen hundred dollars; and further  
21 provided that the application of this section shall not result in  
22 reduction of benefits which an injured volunteer firefighter who is  
23 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,

42 provided, however, that when the volunteer firefighter  
43 is injured in the line of duty on or after March first, two thou-  
44 sand twenty-one such payment shall be eight hundred dollars for each  
45 week during the continuance thereof.

Temporary total disability, with-  
46 in the meaning of this section, shall exist only if the earning capacity  
47 of the volunteer firefighter has been lost temporarily and totally as  
48 the result of the injury. In case of temporary total disability and  
49 permanent partial disability both resulting from the same injury, if the  
50 temporary total disability continues for a longer period than the number  
51 of weeks set forth in the following schedule, the period of temporary  
52 total disability in excess of such number of weeks shall be added to the  
53 period provided in section ten of this article: arm, thirty-two weeks;  
54 leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear,  
55 twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first  
56 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve  
weeks; third finger, eight weeks; fourth finger, eight weeks; toe other

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

6 § 3. Section 10 of the volunteer firefighters' benefit law, subdivi-  
7 sion 1 as amended by chapter 175 of the laws of 1962, the opening para-  
8 graph of subdivision 1 as amended by chapter 21 of the laws of 1991,  
9 paragraph (d) of subdivision 1 as amended by chapter 604 of the laws of  
10 1989, subdivision (e) of subdivision 1 and subparagraphs 1 and 2 of  
11 paragraph (g) of subdivision 1 as amended by chapter 924 of the laws of  
12 1990, paragraph (g) of subdivision 1 as amended by chapter 584 of the  
13 laws of 1974, the opening subparagraph and subparagraph 4 of paragraph  
14 (g) of subdivision 1 and subdivision 3 as amended by chapter 476 of the  
15 laws of 2018, is amended to read as follows:

16 § 10. Permanent partial disability benefits. 1. In the case of disa-  
17 bility partial in character, but permanent in quality, the volunteer  
18 firefighter shall be paid ninety-five dollars for each week for the  
19 period specified in this subdivision, provided, however, that when the  
20 volunteer firefighter is injured in the line of duty on or after January  
21 first, nineteen hundred seventy-eight to June thirtieth, nineteen  
22 hundred eighty-three, such payment shall be one hundred five dollars for  
23 each week, and further provided that when a volunteer firefighter is  
24 injured in the line of duty on or after July first, nineteen hundred  
25 eighty-three to and including June thirtieth, nineteen hundred eighty-  
26 four, such payments shall be one hundred twenty-five dollars for each  
27 week and provided further that when the volunteer firefighter is injured  
28 in the line of duty on or after July first, nineteen hundred eighty-four  
29 to and including June thirtieth, nineteen hundred eighty-five such  
30 payments shall be one hundred thirty-five dollars for each week and  
31 provided further that when the volunteer firefighter is injured in the  
32 line of duty on or after July first, nineteen hundred eighty-five to and  
33 including June thirtieth, nineteen hundred ninety such payments shall be  
34 one hundred fifty dollars for each week, and provided further that when  
35 the volunteer firefighter is injured in the line of duty on or after  
36 July first, nineteen hundred ninety to and including June thirtieth,  
37 nineteen hundred ninety-one such payments shall be two hundred eighty  
38 dollars for each week, and provided further that when the volunteer  
39 firefighter is injured in the line of duty on or after July first, nine-  
40 teen hundred ninety-one to and including June thirtieth, nineteen  
41 hundred ninety-two such payments shall be three hundred fifty dollars  
42 for each week, and provided further that when the volunteer firefighter  
43 is injured in the line of duty on or after July first, nineteen hundred  
44 ninety-two such payments shall be four hundred dollars for each week,  
45 provided, however, that when the volunteer firefighter is injured in the  
46 line of duty on or after March first, two thousand twenty-one such  
47 payment shall be eight hundred dollars for each week as follows:

48 (a) Loss of member.

49 Member lost .....	Number of weeks
50 Arm .....	312
51 Leg .....	288
52 Hand .....	244
53 Foot .....	205
54 Eye .....	160
55 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.

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

4 1. If the percentage of loss of earning capacity is seventy-five per  
5 centum, or greater, he or she shall be paid ninety-five dollars for each  
6 week, provided, however, that when the volunteer firefighter is injured  
7 in the line of duty on or after January first, nineteen hundred seven-  
8 ty-eight to and including June thirtieth, nineteen hundred eighty-three,  
9 such payment shall be one hundred five dollars for each week provided,  
10 however, that when the volunteer firefighter is injured in the line of  
11 duty on or after July first, nineteen hundred eighty-three to and  
12 including June thirtieth, nineteen hundred eighty-four, such payment  
13 shall be one hundred twenty-five dollars for each week provided, howev-  
14 er, that when the volunteer firefighter is injured in the line of duty  
15 on or after July first, nineteen hundred eighty-four to and including  
16 June thirtieth, nineteen hundred eighty-five such payment shall be one  
17 hundred thirty-five dollars for each week, provided, however, that when  
18 the volunteer firefighter is injured in the line of duty on or after  
19 July first, nineteen hundred eighty-five to and including June thirti-  
20 eth, nineteen hundred ninety such payment shall be one hundred fifty  
21 dollars for each week, provided, however, that when the volunteer fire-  
22 fighter is injured in the line of duty on or after July first, nineteen  
23 hundred ninety to and including June thirtieth, nineteen hundred nine-  
24 ty-one such payment shall be two hundred eighty dollars for each week,  
25 and provided further that when the volunteer firefighter is injured in  
26 the line of duty on or after July first, nineteen hundred ninety-one to  
27 and including June thirtieth, nineteen hundred ninety-two such payment  
28 shall be three hundred fifty dollars for each week, and provided further  
29 that when the volunteer firefighter is injured in the line of duty on or  
30 after July first, nineteen hundred ninety-two such payment shall be four  
31 hundred dollars for each week; provided, however, that when the volun-  
32 teer firefighter is injured in the line of duty on or after March first,  
33 two thousand twenty-one such payment shall be eight hundred dollars for  
34 each week;

35 2. If the percentage of loss of earning capacity is fifty per centum,  
36 or greater, but less than seventy-five per centum, he or she shall be  
37 paid sixty-three dollars and thirty-three cents for each week, provided,  
38 however, that when the volunteer firefighter is injured in the line of  
39 duty on or after January first, nineteen hundred seventy-eight to and  
40 including June thirtieth, nineteen hundred eighty-three, such payment  
41 shall be seventy dollars for each week, provided, however, that when the  
42 volunteer firefighter is injured in the line of duty on or after July  
43 first, nineteen hundred eighty-three to and including June thirtieth,  
44 nineteen hundred eighty-four such payment shall be eighty-three dollars  
45 and thirty-three cents for each week, provided, however, that when the  
46 volunteer firefighter is injured in the line of duty on or after July  
47 first, nineteen hundred eighty-four, to and including June thirtieth,  
48 nineteen hundred eighty-five, such payment shall be ninety dollars for  
49 each week, provided, however, that when the volunteer firefighter is  
50 injured in the line of duty on or after July first, nineteen hundred  
51 eighty-five to and including June thirtieth, nineteen hundred ninety  
52 such payment shall be one hundred dollars for each week, provided,  
53 however, that when the volunteer firefighter is injured in the line of  
54 duty on or after July first, nineteen hundred ninety to and including  
55 June thirtieth, nineteen hundred ninety-one such payment shall be one  
56 hundred eighty-six dollars and seventy-six cents for each week,

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

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

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

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

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

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

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

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

44 3. An award for disability may be made after the death of the volun-  
45 teer firefighter.

46 § 4. Subdivision 1 of section 11 of the volunteer firefighters' bene-  
47 fit law, as amended by chapter 924 of the laws of 1990, is amended to  
48 read as follows:

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

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

4 a. Loss of member.

Member lost	Number of weeks
5 Arm .....	312
6 Leg .....	288
7 Hand .....	244
8 Foot .....	205
9 Eye .....	160
10 Thumb .....	75
11 First finger .....	46
12 Great toe .....	38
13 Second finger .....	30
14 Third finger .....	25
15 Toe other than great toe .....	16
16 Fourth finger .....	15

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

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

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

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

42 e. Disfigurement. In the case of serious facial or head disfigurement,  
43 including a disfigurement continuous in length which is partly in the  
44 facial area and also extends into the neck region as described in this  
45 paragraph, the volunteer ambulance worker shall be paid in a lump sum a  
46 proper and equitable amount, which shall be determined by the workers'  
47 compensation board. If the earning capacity of the volunteer ambulance  
48 worker shall have been impaired, or may in the future be impaired, by  
49 any serious disfigurement in the region above the sterno clavicular  
50 articulations anterior to and including the region of the sterno cleido  
51 mastoid muscles on either side, the volunteer ambulance worker shall be  
52 paid in a lump sum a proper and equitable amount which shall be deter-  
53 mined by such board. Two or more serious disfigurements, not continuous  
54 in length, resulting from the same injury, if partially in the facial  
55 area and partially in such neck region, shall be deemed to be a facial  
56 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.