

STATE OF NEW YORK

3347

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

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.

LBD04394-01-1

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.