STATE OF NEW YORK

7131

2021-2022 Regular Sessions

IN SENATE

June 2, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the workers' compensation law, in relation to premium rates for workers' compensation insurance

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

Section 1. Subdivision 1 of section 89 of the workers' compensation law, as amended by chapter 135 of the laws of 1998, is amended to read as follows:

1. **(a)** Employments and employees in the state fund shall be divided into such groups and classes as shall be equitable based upon differences of industry or hazard for the purpose of establishing premium rates for workers' compensation insurance, and for such purpose a system of merit rating may be employed which shall take account of the peculiar hazard of each individual risk**, provided, however, that when an employee has concurrent employment at one employer, such employer shall pay such premium rates for workers' compensation insurance for such employee based on the applicable group and class for each employment if such employer keeps complete and accurate payroll records, including, but not limited to original time cards or time book entries which clearly distinguish between the two or more employments held by such employee**. Such premiums in the state fund shall be fixed at the lowest possible rates consistent with the maintenance of a solvent fund and of reasonable reserves and surplus.

(b) For the purposes of this subdivision, "concurrent employment" means an employee who has two or more employments with the same employer and such employments are distinguishable based on the groups and classes for the industry or hazards involved.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD11668-01-1