

STATE OF NEW YORK

3531

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the workers' compensation law, in relation to the designation of coverage for certain employees

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

1 Section 1. The workers' compensation law is amended by adding a new
2 section 138 to read as follows:

3 § 138. Coverage. Each employer as defined under section two of this
4 chapter, or the board, shall designate the employees for whom coverage
5 is to be provided under this chapter and no insurance carrier as defined
6 in subdivision twelve of section two of this chapter shall make such a
7 determination, nor shall any such insurance carrier base its premiums,
8 in whole or in part, on the remuneration paid to any person whom the
9 employer or the board has not designated for coverage under an employ-
10 er's workers' compensation insurance policy. Nothing in this section
11 shall alter an employer's obligation to provide workers' compensation
12 coverage to its employees as determined by such employer or the board
13 pursuant to section ten of this chapter or any other law, nor shall this
14 section release any employer from the penalties established under this
15 chapter or any other chapter for non-compliance with the provisions of
16 this chapter.

17 § 2. This act shall take effect immediately.

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

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