

STATE OF NEW YORK

4449

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. STECK, 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-four

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~~ 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 earn-
19 ings 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 appli-
21 cation of this section shall not result in reduction of benefits which
22 an injured volunteer firefighter who is disabled due to the loss or

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

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1 total loss of use of both eyes, or both hands, or both arms, or both
2 feet, or both legs, or any two thereof would otherwise be entitled to
3 under any other provisions of this article.

4 § 2. Section 9 of the volunteer firefighters' benefit law, as amended
5 by chapter 523 of the laws of 2021, 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 to June thir-
40 teenth, two thousand twenty-one, said firefighter shall receive four
41 hundred dollars per week during the continuance thereof; and further
42 provided, that when a volunteer firefighter is injured in the line of
43 duty on or after July first, two thousand twenty-one to June thirtieth
44 two thousand twenty-four, said firefighter shall receive six hundred
45 fifty dollars per week during the continuance thereof; and further
46 provided, that when a volunteer firefighter is injured in the line of
47 duty on or after July first, two thousand twenty-four, said firefighter
48 shall receive nine hundred dollars per week during the continuance
49 thereof.

50 Temporary total disability, within the meaning of this
51 section, shall exist only if the earning capacity of the volunteer fire-
52 fighter has been lost temporarily and totally as the result of the inju-
53 ry. In case of temporary total disability and permanent partial disabil-
54 ity both resulting from the same injury, if the temporary total
55 disability continues for a longer period than the number of weeks set
56 forth in the following schedule, the period of temporary total disabili-
ty in excess of such number of weeks shall be added to the period

1 provided in section ten of this article: arm, thirty-two weeks; leg,
2 forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-
3 ty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first
4 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve
5 weeks; third finger, eight weeks; fourth finger, eight weeks; toe other
6 than great toe, eight weeks. In any case resulting in loss or partial
7 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,
8 where the temporary total disability does not extend beyond the periods
9 above mentioned for such injury, benefits shall be limited to the sched-
10 ule contained in section ten of this article.

11 § 3. The opening paragraph and paragraph (g) of subdivision 1 of
12 section 10 of the volunteer firefighters' benefit law, the opening para-
13 graph as amended by chapter 21 of the laws of 1991, paragraph (g) as
14 amended by chapter 584 of the laws of 1974, the opening subparagraph and
15 subparagraph 4 of paragraph (g) as amended by chapter 476 of the laws of
16 2018 and subparagraphs 1 and 2 of paragraph (g) as amended by chapter
17 924 of the laws of 1990, are amended to read as follows:

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

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

53 1. If the percentage of loss of earning capacity is seventy-five per
54 centum, or greater, he or she shall be paid ninety-five dollars for each
55 week, provided, however, that when the volunteer firefighter is injured
56 in the line of duty on or after January first, nineteen hundred seven-

1 ty-eight to and including June thirtieth, nineteen hundred eighty-three,
2 such payment shall be one hundred five dollars for each week provided,
3 however, that when the volunteer firefighter is injured in the line of
4 duty on or after July first, nineteen hundred eighty-three to and
5 including June thirtieth, nineteen hundred eighty-four, such payment
6 shall be one hundred twenty-five dollars for each week provided, howev-
7 er, that when the volunteer firefighter is injured in the line of duty
8 on or after July first, nineteen hundred eighty-four to and including
9 June thirtieth, nineteen hundred eighty-five such payment shall be one
10 hundred thirty-five dollars for each week, provided, however, that when
11 the volunteer firefighter is injured in the line of duty on or after
12 July first, nineteen hundred eighty-five to and including June thirti-
13 eth, nineteen hundred ninety such payment shall be one hundred fifty
14 dollars for each week, provided, however, that when the volunteer fire-
15 fighter is injured in the line of duty on or after July first, nineteen
16 hundred ninety to and including June thirtieth, nineteen hundred nine-
17 ty-one such payment shall be two hundred eighty dollars for each week,
18 and provided further that when the volunteer firefighter is injured in
19 the line of duty on or after July first, nineteen hundred ninety-one to
20 and including June thirtieth, nineteen hundred ninety-two such payment
21 shall be three hundred fifty dollars for each week, and provided further
22 that when the volunteer firefighter is injured in the line of duty on or
23 after July first, nineteen hundred ninety-two such payment shall be four
24 hundred dollars for each week, and provided further that when the volun-
25 teer firefighter is injured in the line of duty on or after July first,
26 two thousand twenty-four such payment shall be nine hundred dollars for
27 each week;

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

1 provided, however, that when the volunteer firefighter is injured in the
2 line of duty on or after July first, two thousand twenty-four such
3 payment shall be five hundred thirty-six dollars for each week;

4 3. If the percentage of loss of earning capacity is twenty-five per
5 centum, or greater, but less than fifty per centum, he shall be paid
6 [~~thirty~~] two hundred dollars for each week;

7 4. If the percentage of loss of earning capacity is less than twenty-
8 five per centum, he or she shall [~~not~~] be paid [~~any weekly benefit,~~
9 ~~Permanent partial disability, within the meaning of this paragraph,~~
10 ~~shall exist only if the earning capacity of the volunteer firefighter~~
11 ~~has been permanently and partially lost as the result of the injury. The~~
12 ~~workers' compensation board shall determine the degree of such disabili-~~
13 ~~ty and such board may reconsider such degree on its own motion or upon~~
14 ~~application of any party in interest~~] fifty dollars for each week.

15 § 4. Section 8 of the volunteer ambulance workers' benefit law, as
16 amended by chapter 401 of the laws of 2016, is amended to read as
17 follows:

18 § 8. Permanent total disability benefits. In the case of total disa-
19 bility adjudged to be permanent the volunteer ambulance worker shall be
20 paid [~~six~~] nine hundred dollars for each week during the continuance
21 thereof. Permanent total disability, within the meaning of this section,
22 shall exist only if the earning capacity of the volunteer ambulance
23 worker has been lost permanently and totally as the result of the inju-
24 ry. The loss of both hands, or both arms, or both feet, or both legs, or
25 both eyes, or any two thereof, shall, in the absence of conclusive proof
26 to the contrary, constitute permanent total disability, but in all other
27 cases permanent total disability shall be determined in accordance with
28 the facts. Notwithstanding any other provisions of this chapter, an
29 injured volunteer ambulance worker disabled due to the loss or total
30 loss of use of both eyes, or both hands, or both arms, or both feet, or
31 both legs, or any two thereof shall not suffer any diminution of such
32 weekly benefit by engaging in business or employment provided his or her
33 weekly earnings or wages, when combined with his weekly benefit shall
34 not be in excess of eight hundred dollars; and further provided that the
35 application of this section shall not result in reduction of benefits
36 which an injured volunteer ambulance worker who is disabled due to the
37 loss or total loss of use of both eyes, or both hands, or both arms, or
38 both feet, or both legs, or any two thereof would otherwise be entitled
39 to under any other provisions of this article.

40 § 5. Section 9 of the volunteer ambulance workers' benefit law, as
41 amended by chapter 523 of the laws of 2021, is amended to read as
42 follows:

43 § 9. Temporary total disability benefits. In the case of temporary
44 total disability the volunteer ambulance worker shall be paid three
45 hundred dollars for each week during the continuance thereof; provided,
46 however, that when the volunteer ambulance worker is injured in the line
47 of duty on or after the effective date of this chapter to June thirti-
48 eth, nineteen hundred ninety; further provided, that when the volunteer
49 ambulance worker is injured in the line of duty on or after July first,
50 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,
51 said ambulance worker shall receive three hundred forty dollars per week
52 during the continuance thereof, and further provided, that when a volun-
53 teer ambulance worker is injured in the line of duty on or after July
54 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred
55 ninety-two, said ambulance worker shall receive three hundred fifty
56 dollars per week during the continuance thereof; provided further that

1 when a volunteer ambulance worker is injured in the line of duty on or
2 after July first, nineteen hundred ninety-two to June thirtieth, two
3 thousand twenty-one, such ambulance worker shall be paid four hundred
4 dollars for each week during the continuance thereof; provided further
5 that when a volunteer ambulance worker is injured in the line of duty on
6 or after July first, two thousand twenty-one to June thirtieth, two
7 thousand twenty-four such ambulance worker shall be paid six hundred
8 fifty dollars for each week during the continuance thereof; provided
9 further that when a volunteer ambulance worker is injured in the line of
10 duty on or after July first, two thousand twenty-four such ambulance
11 worker shall be paid nine hundred dollars for each week during the
12 continuance thereof. Temporary total disability, within the meaning of
13 this section, shall exist only if the earning capacity of the volunteer
14 ambulance worker has been lost temporarily and totally as the result of
15 the injury. In case of temporary total disability and permanent partial
16 disability both resulting from the same injury, if the temporary total
17 disability continues for a longer period than the number of weeks set
18 forth in the following schedule, the period of temporary total disabili-
19 ty in excess of such number of weeks shall be added to the period
20 provided in section ten of this chapter: arm, thirty-two weeks; leg,
21 forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twen-
22 ty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first
23 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve
24 weeks; third finger, eight weeks, fourth finger, eight weeks; toe other
25 than great toe, eight weeks. In any case resulting in loss or partial
26 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,
27 where the temporary total disability does not extend beyond the periods
28 above mentioned for such injury, benefits shall be limited to the sched-
29 ule contained in section ten of this chapter.

30 § 6. The opening paragraph and paragraph g of subdivision 1 of section
31 10 of the volunteer ambulance workers' benefit law, the opening para-
32 graph as amended by chapter 21 of the laws of 1991, paragraph g as
33 amended by chapter 604 of the laws of 1989 and subparagraphs 1 and 2 of
34 paragraph g as amended by chapter 924 of the laws of 1990, are amended
35 to read as follows:

36 In the case of disability partial in character, but permanent in qual-
37 ity, the volunteer ambulance worker, injured in the line of duty shall
38 be paid one hundred fifty dollars for each week for the period specified
39 in this subdivision, provided, however, that when the volunteer ambu-
40 lance worker is injured in the line of duty on or after the effective
41 date of this chapter to and including June thirtieth, nineteen hundred
42 ninety, and provided further that when the volunteer ambulance worker is
43 injured in the line of duty on or after July first, nineteen hundred
44 ninety to and including June thirtieth, nineteen hundred ninety-one such
45 payments shall be two hundred eighty dollars for each week, and provided
46 further that when the volunteer ambulance worker is injured in the line
47 of duty on or after July first, nineteen hundred ninety-one to and
48 including June thirtieth, nineteen hundred ninety-two such payments
49 shall be three hundred fifty dollars for each week; and provided further
50 that when the volunteer ambulance worker is injured in the line of duty
51 on or after July first, nineteen hundred ninety-two such payments shall
52 be four hundred dollars for each week; and provided further that when
53 the volunteer ambulance worker is injured in the line of duty on or
54 after July first, two thousand twenty-four such payments shall be nine
55 hundred dollars for each week as follows:

1 g. Other cases. In all other cases of permanent partial disability the
2 volunteer ambulance worker shall be paid for each week, during the
3 continuance 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 one hundred fifty dollars
6 for each week, provided, however, that the volunteer ambulance worker is
7 injured in the line of duty on or after the effective date of this chap-
8 ter to and including June thirtieth, nineteen hundred ninety, provided,
9 however, that when the volunteer ambulance worker is injured in the line
10 of duty on or after July first, nineteen hundred ninety to and including
11 June thirtieth, nineteen hundred ninety-one such payment shall be two
12 hundred eighty dollars for each week, and provided further that when the
13 volunteer ambulance worker is injured in the line of duty on or after
14 July first, nineteen hundred ninety-one to and including June thirtieth,
15 nineteen hundred ninety-two such payment shall be three hundred fifty
16 dollars for each week; and provided further that when the volunteer
17 ambulance worker is injured in the line of duty on or after July first,
18 nineteen hundred ninety-two such payments shall be four hundred dollars
19 for each week; and provided further that when the volunteer ambulance
20 worker is injured in the line of duty on or after July first, two thou-
21 sand twenty-four, such payments shall be nine hundred dollars for each
22 week.

23 (2) If the percentage of loss of earning capacity is fifty per centum,
24 or greater, but less than seventy-five per centum, he or she shall be
25 paid one hundred dollars for each week, provided, however, that the
26 volunteer ambulance worker is injured in the line of duty on or after
27 the effective date of this chapter to and including June thirtieth,
28 nineteen hundred ninety, provided, however, that when the volunteer
29 ambulance worker is injured in the line of duty on or after July first,
30 nineteen hundred ninety to and including June thirtieth, nineteen
31 hundred ninety-one, such payment shall be one hundred eighty-six dollars
32 and seventy-six cents for each week, provided, however, that when the
33 volunteer ambulance worker is injured in the line of duty on or after
34 July first, nineteen hundred ninety-one to and including June thirtieth,
35 nineteen hundred ninety-two, such payment shall be two hundred thirty-
36 four dollars and fifty cents for each week; provided, however, that when
37 the volunteer ambulance worker is injured in the line of duty on or
38 after July first, nineteen hundred ninety-two, such payment shall be two
39 hundred sixty-eight dollars for each week; provided, however, that when
40 the volunteer ambulance worker is injured in the line of duty on or
41 after July first, two thousand twenty-four, such payment shall be five
42 hundred thirty-six dollars for each week.

43 (3) If the percentage of loss of earning capacity is twenty-five
44 percentum, or greater, but less than fifty per centum, he or she shall
45 be paid [~~thirty~~] two hundred dollars for each week.

46 (4) If the percentage of loss of earning capacity is less than twen-
47 ty-five per centum, he or she shall [~~not~~] be paid [~~any weekly benefit~~]
48 fifty dollars per week.

49 Permanent partial disability, within the meaning of this paragraph,
50 shall exist only if the earning capacity of the volunteer ambulance
51 worker has been permanently and partially lost as the result of the
52 injury. The workers' compensation board shall determine the degree of
53 such disability and such board may reconsider such degree on its own
54 motion or upon application of any party in interest.

55 § 7. This act shall take effect immediately.