STATE OF NEW YORK

5327

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sens. BAILEY, GALLIVAN, MATTERA, MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the requirement for policyholders to provide 30-days notice to withdraw from the state insurance fund

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

Section 1. Subdivision a of section 94 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

a. Any employer may, upon complying with subdivision two or three of section fifty of this chapter, withdraw from the fund by turning in [~~his~~] **their** insurance contract for cancellation, provided [~~he has~~] **they have** given written notice to the fund of [~~his~~] **their** intention to withdraw not less than thirty days before the effective date of such cancellation. Upon receipt of such notice the fund shall, at least ten days prior to the effective date file in the office of the [~~chairman~~] **chair** a notice of such cancellation date.

In no event shall the insurance contract be deemed cancelled until at least ten days after the date of such filing, any earlier date mentioned in the notice to the contrary notwithstanding.

If an employer withdraws from the fund upon complying with subdivision two of section fifty of this chapter, the new insurance contract with the stock corporation, mutual corporation or reciprocal insurer shall be deemed not to take effect until the cancellation of such employer's contract with the state insurance fund has become effective.

The requirements of this subdivision shall not apply when an employer has given written notice to the fund of their intention to withdraw, which shall include the effective date of such cancellation and proof that the employer has complied with subdivision two of section fifty of

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

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this chapter. The effective date of cancellation of such employer's contract with the state insurance fund shall be the date that the new insurance contract with the stock corporation, mutual corporation or reciprocal insurer takes effect.

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