

SECTION 54, SUBDIVISION 8 OF THE
NEW YORK WORKERS' COMPENSATION LAW

Section 54, Subd. 8

"A self-employed person or a partner of a partnership as defined in section ten of the partnership law but not including a limited partner, having other persons who are employees required to be covered under this chapter may be included in the compensation insurance contract or covered under a certificate of self-insurance. Such election shall be made by any such partnership or sole proprietorship filing with the insurance carrier or the chairman in the case of self-insurance upon a form prescribed by the chairman of the workers' compensation board, a notice that the partnership or sole proprietorship elects to include the partner or partners or the self-employed person named in the notice in the coverage of this chapter. Such election shall be effective with respect to all policies issued to such partnership or sole proprietorship by such insurance carrier as long as it shall continuously insure the employees of the partnership or sole proprietorship. Such election shall be final and binding upon the partner or self-employed person named in the notice until revoked by the partnership or sole proprietorship. A self-employed person or a partner of a partnership having no other persons who are employees required to be covered under this chapter shall be deemed to be excluded from coverage under this chapter unless he elects to be covered. Such coverage may be effected by obtaining an insurance policy.

The self-employed persons or partners of a partnership brought within the coverage of the insurance contract, and the dependents of any such self-employed persons or partners of a partnership shall have the same rights and remedies as any employee or his dependents and shall be entitled to compensation and medical care as provided by this chapter, and the insurance carrier shall be liable therefor and for payments into the special funds provided in this chapter as in the case of an employee."

SECTION 10 OF THE NEW YORK PARTNERSHIP LAW

Section 10. Partnership Defined

- "1. A partnership is an association of two or more persons to carry on as co-owners a business for profit.
2. But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this chapter, unless such association would have been a partnership in this state prior to the adoption of this chapter; but this chapter shall apply to limited partnerships except in so far as the statutes relating to such partnership are inconsistent herewith."