

**State of New York  
WORKERS' COMPENSATION BOARD**

**NOTICE OF ELECTION OF A CORPORATION WHICH IS REQUIRED TO HAVE DISABILITY  
BENEFITS COVERAGE FOR ITS EMPLOYEES UNDER THE DISABILITY BENEFITS LAW TO  
EXCLUDE THE SOLE SHAREHOLDER-OFFICER OR ONE OF THE TWO OR BOTH  
SHAREHOLDER-OFFICERS OF THE CORPORATION FROM SUCH COVERAGE**

To: (Print name and address of insurance carrier here.)

TAKE NOTICE that under the provisions of Section 212, subdivision 4 of the Disability Benefits Law as amended, the corporation named below elects to exclude the executive officer(s) named below from coverage under the New York State Workers' Compensation Law with respect to all the policies issued to the corporation by the insurance carrier named above.

Name of Corporation \_\_\_\_\_

Address of Corporation \_\_\_\_\_

Incorporated Under the Laws of the State of \_\_\_\_\_

Type:  One-person corp.  Two-person corp. (A two-person corporation may elect to exclude one or both executive officers, provided that between them they own all the stock in the corporation, and that each officer owns at least one share of stock.)

Executive Officer(s) to be excluded from policy

1. Name _____	Title _____
2. Name _____	Title _____

**CERTIFICATION**

**USE FOR ONE-PERSON CORPORATION**

I, \_\_\_\_\_, certify that I am the sole executive officer of the above-named  
Name  
corporation; that I have been since \_\_\_\_\_ the sole owner of all issued and outstanding stock of the corporation  
Date  
and hold all the offices pursuant to paragraph (e) of Section 715 of the Business Corporation Law. (Affix corporate seal below, if you have one.)

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.

**USE FOR TWO-PERSON CORPORATION**

We, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_,  
Name Title Name  
\_\_\_\_\_ certify that we are the two executive officers of the above-named corporation,  
Title  
having been duly appointed by corporate resolution; that we have been since \_\_\_\_\_ the sole owners of all  
Date  
issued and outstanding stock and that each of us owns at least one share of stock of the corporation, and that we hold all of the offices pursuant to paragraph (e) of Section 715 of the Business Corporation Law. (Affix corporate seal below, if you have one.)

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Signature of Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.

**THIS ELECTION IS FINAL AND BINDING UPON THE  
OFFICER(S) NAMED UNTIL REVOKED BY THE CORPORATION.**

CORPORATE  
SEAL\*

\*If the corporation does not  
have a seal, check here

See reverse side for relevant portions of Section 212, subd. 4 (DBL) and Sec. 715, Par. (e) of the Business Corporation Law.

## **Section 212, Subdivision 4 of the New York Disability Benefits Law**

An executive officer of a corporation who at all times during the period involved owns all of the issued and outstanding stock of the corporation and holds all of the offices pursuant to paragraph (e) of section 715 of the business corporation law or two executive officers of a corporation who at all times during the period involved between them own all of the issued and outstanding stock of such corporation and hold all such offices provided, however, that each officer must own at least one share of stock and who is the executive officer or who are the executive officers of a corporation having other persons who are employees required to be covered under this article, shall be deemed to be included in the corporation's disability benefits insurance contract or covered by a certificate of self-insurance or a plan under section two hundred eleven of this article, unless the officer or officers elect to be excluded from the coverage of this article. Such election shall be made by any such corporation filing with the insurance carrier, or the chair of the workers' compensation board in the case of self insurance, upon a form prescribed by the chairman, a notice that the corporation elects to exclude the executive officer or officers of such corporation named in the notice from the coverage of this article. Such election shall be effective with respect to all policies issued to such corporation by such insurance carrier as long as it shall continuously insure the corporation. Such election shall be final and binding upon the executive officer or officers named in the notice until revoked by the corporation.

## **Section 715, Paragraph (e) of the Business Corporation Law**

Any two or more offices may be held by the same person, except the offices of president and secretary. When all of the issued and outstanding stock of the corporation is owned by one person, such person may hold all or any combination of offices.