

5573--A

2011-2012 Regular Sessions

I N S E N A T E

June 2, 2011

Introduced by Sens. LANZA, ADDABBO, GOLDEN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law and the vehicle and traffic law, in relation to the operation of fire patrols

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The not-for-profit corporation law is amended by adding a
2 new section 1413 to read as follows:
3 S 1413. FIRE PATROLS.
4 (A) ANY ORGANIZATION INCORPORATED ON OR AFTER APRIL FIRST, TWO THOU-
5 SAND ELEVEN UNDER THIS CHAPTER FOR THE PURPOSES OF PROTECTING LIFE AND
6 PROPERTY THROUGH THE SAFE AND EFFICIENT MEANS OF MODERN SALVAGE AND
7 PROPERTY DAMAGE MITIGATION TECHNIQUES, OF SAVING OR REDUCING THE LOSS OF
8 PROPERTY EXPOSED TO WATER, SMOKE OR GASSES, AND THEREBY REDUCING LOSSES
9 TO PROPERTY OWNERS, AND OF OTHER PUBLIC BENEFITS, INCLUDING BUT NOT
10 LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE
11 COURSE OF THEIR RESPECTIVE DUTIES WHEN DULY AUTHORIZED THEREBY, SHALL BE
12 GOVERNED BY THIS CHAPTER AND SHALL BE KNOWN AS AND MAY USE THE TERM
13 "FIRE PATROLS" TO DESCRIBE SUCH ENTITY.
14 (B) NOTHING IN THIS CHAPTER SHALL PRECLUDE ANY ENTITY IN EXISTENCE
15 PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN AND ORGANIZED UNDER THIS CHAP-
16 TER OR ITS PREDECESSOR ARTICLES, FOR PURPOSES SIMILAR TO THOSE IN PARA-
17 GRAPH (A) OF THIS SECTION AND OPERATING AS OF THE EFFECTIVE DATE OF THIS
18 SECTION UNDER THE NAME OF A FIRE PATROL, FROM HOLDING ITSELF OUT AS A
19 FIRE PATROL AS THAT TERM IS DEFINED IN THIS SECTION.
20 (C) FIRE PATROLS, IN THE EXECUTION OF ITS PURPOSES, INCLUDING BUT NOT
21 LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES, SHALL

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

LBD11834-02-1

1 HAVE THE POWER TO ENTER ANY BUILDING ON FIRE OR WHICH MAY BE EXPOSED TO
2 OR IN DANGER OF LOSS OR DAMAGE BY FIRE, SMOKE OR WATER, OR IN WHICH
3 PROPERTY MAY BE IN DANGER OF LOSS OR DAMAGE FROM FIRE, SMOKE OR WATER,
4 AND TO PROTECT AND ENDEAVOR TO SAVE THE PROPERTY THEREIN AND, WHEN
5 NECESSARY, TO REMOVE SUCH PROPERTY OR ANY PART THEREOF.

6 (D) ANY VEHICLE AFFILIATED WITH A FIRE PATROL SHALL BE DEEMED TO BE A
7 FIRE VEHICLE AND THEREBY AN EMERGENCY VEHICLE AS DEFINED IN SECTIONS ONE
8 HUNDRED ONE AND ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW AND
9 GOVERNED BY SECTION ELEVEN HUNDRED FOUR OF SUCH LAW. THE VEHICLES OF
10 SUCH FIRE PATROL SHALL ALSO BE DEEMED TO BE EMERGENCY VEHICLES FOR THE
11 PURPOSES OF SECTION TWO THOUSAND THREE HUNDRED THIRTY-FIVE-A OF THE
12 INSURANCE LAW.

13 S 2. Section 101 of the vehicle and traffic law, as amended by chapter
14 446 of the laws of 2003, is amended to read as follows:

15 S 101. Authorized emergency vehicle. Every ambulance, police vehicle
16 or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil
17 defense emergency vehicle, emergency ambulance service vehicle, blood
18 delivery vehicle, county emergency medical services vehicle, environ-
19 mental emergency response vehicle, sanitation patrol vehicle, hazardous
20 materials emergency vehicle and ordnance disposal vehicle of the armed
21 forces of the United States.

22 S 3. The opening paragraph of section 115-a of the vehicle and traffic
23 law, as amended by chapter 176 of the laws of 1973, is amended to read
24 as follows:

25 Every vehicle operated for fire service purposes owned and identified
26 as being owned by the state, a public authority, a county, town, city,
27 village or fire district, or a fire corporation subject to the
28 provisions of [subdivision] PARAGRAPH (e) of section fourteen hundred
29 two of the not-for-profit corporation law [or], a fire company as
30 defined in section one hundred of the general municipal law OR A FIRE
31 PATROL AS DEFINED IN PARAGRAPH (A) OF SECTION FOURTEEN HUNDRED THIRTEEN
32 OF THE NOT-FOR-PROFIT CORPORATION LAW. Any of the following vehicles
33 shall be fire vehicles only for the purpose of section one hundred one
34 of this [chapter] ARTICLE:

35 S 4. This act shall take effect immediately.