S T A T E O F N E W Y O R K

2799

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to providing an exemption from civil liability for any person who renders emergency medical care during a state declaration of disaster emergency

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

Section 1. Section 28 of the executive law is amended by adding two new subdivisions 5 and 6 to read as follows:

5. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR CORPORATION, AND THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPORATION, IN THE PERFORMANCE OF A CONTRACT RELATED TO SUCH EMERGENCY WITH AND UNDER THE DIRECTION OF THE STATE OR ITS POLITICAL SUBDIVISIONS UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING OUT OF THE OPERATION OF MOTOR VEHICLES.

6. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR CORPORATION, AND THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPORATION, WHO RENDERS ASSISTANCE OR ADVICE IN CONNECTION WITH SUCH EMERGENCY AT THE REQUEST OF THE STATE OR ITS POLITICAL SUBDIVISIONS UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING OUT OF THE OPERATION OF MOTOR VEHICLES.

S 2. This act shall take effect immediately.

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

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