

3981

2013-2014 Regular Sessions

I N   S E N A T E

March 4, 2013

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law and the vehicle and traffic law, in relation to the operation of fire patrols; and providing for the repeal of such provisions upon expiration thereof

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 PATROL" OR "FIRE PATROLS" TO DESCRIBE SUCH ENTITY. NO OTHER ENTI-  
14    TY SHALL USE SUCH TERMS, UNLESS IT IS AUTHORIZED BY OR ASSOCIATED WITH A  
15    FIRE DEPARTMENT, FIRE DISTRICT OR MUNICIPALITY. PROVIDED, HOWEVER, THAT  
16    ANY FIRE PATROL INCORPORATED ON OR AFTER APRIL FIRST, TWO THOUSAND ELEV-  
17    EN SHALL ONLY OPERATE WITHIN THE BOUNDARIES OF RICHMOND COUNTY.  
18    (B) NOTHING IN THIS CHAPTER SHALL PRECLUDE ANY ENTITY INCORPORATED  
19    PRIOR TO APRIL FIRST, TWO THOUSAND ELEVEN AND ORGANIZED UNDER THIS CHAP-  
20    TER OR ITS PREDECESSOR ARTICLES, FOR PURPOSES SIMILAR TO THOSE IN PARA-  
21    GRAPH (A) OF THIS SECTION AND ACTIVELY OPERATING AS OF THE EFFECTIVE  
22    DATE OF THIS SECTION WITH SUCH PURPOSES AND UNDER THE NAME OF A FIRE

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

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1 PATROL, FROM HOLDING ITSELF OUT AS A FIRE PATROL AS THAT TERM IS DEFINED  
2 IN THIS CHAPTER.

3 (C) FIRE PATROLS, IN THE EXECUTION OF ITS PURPOSES, INCLUDING BUT NOT  
4 LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE  
5 COURSE OF THEIR RESPECTIVE DUTIES, SHALL HAVE THE POWER TO ENTER ANY  
6 BUILDING ON FIRE OR WHICH MAY BE EXPOSED TO OR IN DANGER OF LOSS OR  
7 DAMAGE BY FIRE, SMOKE OR WATER, OR IN WHICH PROPERTY MAY BE IN DANGER OF  
8 LOSS OR DAMAGE FROM FIRE, SMOKE OR WATER, AND TO PROTECT AND ENDEAVOR TO  
9 SAVE THE PROPERTY THEREIN AND, WHEN NECESSARY, TO REMOVE SUCH PROPERTY  
10 OR ANY PART THEREOF; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS  
11 PARAGRAPH SHALL NOT WARRANT ANY INTERFERENCE WITH THE ACTIONS OF THE  
12 MEMBERS OF THE FIRE DEPARTMENT OR PUBLIC AGENCY TO WHICH THE FIRE PATROL  
13 IS RENDERING ASSISTANCE, AND THE FIRE PATROL SHALL IN ALL RESPECTS AND  
14 AT ALL TIMES WHEN RENDERING ASSISTANCE TO A FIRE DEPARTMENT OR PUBLIC  
15 AGENCY SHALL BE SUBORDINATE TO AND UNDER THE CONTROL OF THE FIRE DEPART-  
16 MENT OR PUBLIC AGENCY TO WHICH ASSISTANCE IS RENDERED; PROVIDED FURTHER  
17 THAT ANY FIRE PATROL THAT OPERATES WITHIN A CITY OF ONE MILLION OR MORE  
18 SHALL BE LIMITED IN ITS RESPONSE AUTHORITY TO SAID CITY, BUT NOTHING  
19 HEREIN SHALL LIMIT OR PROHIBIT THE FIRE PATROL SO OPERATING TO CONDUCT  
20 EDUCATIONAL PROGRAMS OR OTHER NON-RESPONSE ACTIVITIES CONSISTENT WITH  
21 ITS MISSION AND STANDING AS A DULY ORGANIZED AND RECOGNIZED NOT-FOR-PRO-  
22 FIT CORPORATION IN ANY OTHER PART OF THE STATE IN ADDITION TO SAID CITY.

23 (D) ANY VEHICLE AFFILIATED WITH A FIRE PATROL SHALL BE DEEMED TO BE A  
24 FIRE VEHICLE AND THEREBY AN EMERGENCY VEHICLE AS DEFINED IN SECTIONS ONE  
25 HUNDRED ONE AND ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW AND  
26 GOVERNED BY SECTION ELEVEN HUNDRED FOUR OF SUCH LAW. THE VEHICLES OF  
27 SUCH FIRE PATROL SHALL ALSO BE DEEMED TO BE EMERGENCY VEHICLES FOR THE  
28 PURPOSES OF SECTION TWO THOUSAND THREE HUNDRED THIRTY-FIVE-A OF THE  
29 INSURANCE LAW.

30 S 2. Section 101 of the vehicle and traffic law, as amended by chapter  
31 446 of the laws of 2003, is amended to read as follows:

32 S 101. Authorized emergency vehicle. Every ambulance, police vehicle  
33 or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil  
34 defense emergency vehicle, emergency ambulance service vehicle, blood  
35 delivery vehicle, county emergency medical services vehicle, environ-  
36 mental emergency response vehicle, sanitation patrol vehicle, hazardous  
37 materials emergency vehicle and ordnance disposal vehicle of the armed  
38 forces of the United States.

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

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

52 S 4. This act shall take effect immediately and shall expire and be  
53 deemed repealed 5 years after such date.