

STATE OF NEW YORK

1038

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to allowing a department of motor vehicles employee to employ an attorney-at-law to defend against certain civil actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 224-b to read as follows:

3 § 224-b. Actions and proceedings in official employment capacity. 1.
4 Notwithstanding any inconsistent provision of law, a department of motor
5 vehicles employee may employ an attorney-at-law to defend any civil
6 action or proceeding brought against such employee in such employee's
7 official capacity as an agent of the commissioner.

8 2. All damages recovered against, or costs and expenses lawfully
9 incurred by an employee of the department of motor vehicles, including
10 attorney's fees, in the defense of a civil action or proceeding brought
11 against such employee in such employee's capacity as an agent of the
12 commissioner for an official act done, or for failure to perform an
13 official act, shall be a state charge and shall be audited and paid in
14 the same manner as state charges. When the act upon which the action or
15 proceeding is based was done in good faith, but without the authority of
16 law or authorization by the commissioner, the state comptroller may
17 audit and pay the same as state charges, even if such action or proceed-
18 ing was initiated against the employee by the commissioner.

19 3. No proceeding or investigation for the termination of a department
20 of motor vehicles employee shall be undertaken or directed to be under-
21 taken against such employee on the basis of an action, or failure to
22 act, of such employee, if done in good faith and with a reasonable
23 belief that such employee is defending, protecting and upholding the

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

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1 constitution or laws of the United States or of this state, even if it
2 is subsequently determined that such action or inaction was without
3 authority of law or without express authorization.

4 § 2. This act shall take effect immediately.