

10455

I N A S S E M B L Y

March 26, 2010

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Governmental Operations

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:

- 1 Section 1. Section 28 of the executive law is amended by adding two
2 new subdivisions 5 and 6 to read as follows:
3 5. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR
4 CORPORATION, AND THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPORATION, IN THE PERFORMANCE OF A CONTRACT RELATED TO SUCH EMERGENCY WITH
5 AND UNDER THE DIRECTION OF THE STATE OR ITS POLITICAL SUBDIVISIONS UNDER
6 THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING
7 THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN
8 THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS
9 SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY
10 SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF
11 SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING OUT OF THE OPERATION OF MOTOR VEHICLES.
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13 6. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR
14 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
15 THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING
16 THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN
17 THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS
18 SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY
19 SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF
20 SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING OUT OF THE OPERATION OF MOTOR VEHICLES.
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22 S 2. This act shall take effect immediately.
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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