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

3247

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. THIELE -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the general municipal law, in relation to authorizing fees and charges for emergency medical services

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

Section 1. Subdivision 4 of section 209-b of the general municipal law, as amended by chapter 718 of the laws of 1958, is amended and two new subdivisions 6 and 7 are added to read as follows:

4. Fees and charges [prohibited] AUTHORIZED. Emergency and general ambulance service, INCLUDING EMERGENCY MEDICAL SERVICE, authorized pursuant to this section [shall] MAY be furnished without cost to the person served; PROVIDED, HOWEVER, THE AUTHORITIES HAVING CONTROL OF A FIRE DEPARTMENT, FIRE COMPANY, OR AMBULANCE COMPANY, EXCEPT IN CITIES OF ONE MILLION OR MORE, WHO HAVE AUTHORIZED SUCH FIRE DEPARTMENT, FIRE COMPANY, OR AMBULANCE COMPANY TO PROVIDE SUCH SERVICE OR SERVICES MAY ESTABLISH FEES AND CHARGES FOR SERVICES RENDERED. SHOULD THE GOVERNING BOARD OF A MUNICIPALITY ELECT TO ESTABLISH A SCHEDULE OF FEES AND CHARGES FOR SERVICES RENDERED, AN ANNUAL REPORT SUMMARIZING BILLINGS MADE AND REVENUES RECEIVED SHALL BE MADE TO THE STATE COMPTROLLER IN ACCORDANCE WITH THE PROVISIONS OF SECTION THIRTY OF THIS CHAPTER. THE STATE COMPTROLLER SHALL COMPILE THE INFORMATION RECEIVED. FOR ANY SUCH MUNICIPALITY, RECORDS SHALL BE MAINTAINED OF: (A) THE SCHEDULE OF FEES AND CHARGES ADOPTED; (B) THE NUMBER OF CALLS WHICH CAUSED A BILL TO BE GENERATED; (C) THE AMOUNT CHARGED FOR SUCH CALLS; AND (D) THE AMOUNT OF REVENUES RECEIVED. THE STATE COMPTROLLER SHALL COMPILE AND MAINTAIN ON AN ANNUAL BASIS, A LIST OF THE INFORMATION RECEIVED, AND MAKE SUCH LIST PUBLICLY AVAILABLE. SUCH AUTHORITIES MAY FORMULATE RULES AND REGULATIONS FOR THE COLLECTION THEREOF. The acceptance by any [fireman] FIREFIGHTER of any personal remuneration or gratuity, directly or indi-

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

LBD03982-01-9

rectly, from a person served shall be a ground for [his] expulsion or suspension as a member of the fire department or fire company.

6. THE TERM "EMERGENCY MEDICAL SERVICE" AS USED IN THIS SECTION MEANS INITIAL EMERGENCY MEDICAL ASSISTANCE INCLUDING, BUT NOT LIMITED TO, THE TREATMENT OF TRAUMA, BURNS, RESPIRATORY, CIRCULATORY AND OBSTETRICAL EMERGENCIES.

7. NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY, ANY PERSON WHO IS BY TRAINING OR EXPERIENCE AND ATTAINMENT QUALIFIED TO PARTICIPATE AS A MEMBER OF AN EMERGENCY RESCUE OR FIRST AID SQUAD RECOGNIZED UNDER THIS SECTION AND WHO VOLUNTARILY AND WITHOUT EXPECTATION OF MONETARY COMPENSATION SERVES AS A MEMBER OF SUCH SQUAD SHALL NOT BE SUBJECT TO A PENALTY OR TO CIVIL LIABILITY FOR DAMAGES OR INJURIES ALLEGED TO HAVE BEEN SUSTAINED BY ANY PERSON OR ENTITY BY REASON OF AN ACT OR OMISSION IN THE COURSE OF SUCH SERVICE. NOTHING IN THIS SECTION SHALL BE DEEMED OR CONSTRUED TO RELIEVE FROM LIABILITY FOR DAMAGES OR INJURIES ANY PERSON WHO (A) IS ALLEGED TO HAVE CAUSED SUCH DAMAGES OR INJURIES AS THE RESULT OF GROSS NEGLIGENCE OR RECKLESS, WANTON, OR INTENTIONAL CONDUCT, (B) IS UNDER A LEGAL DUTY TO RESPOND TO A PARTICULAR INCIDENT, OR (C) RECEIVES COMPENSATION OTHER THAN REIMBURSEMENT FOR OUT-OF-POCKET EXPENSES FOR SERVICES IN RESPONSE TO A PARTICULAR INCIDENT. COMPENSATION SHALL NOT INCLUDE THE PAYMENT OF WAGES TO A VOLUNTEER WHOSE REGULAR PLACE OF EMPLOYMENT IS ALLOWING THE USE OF ACCRUED LEAVE CREDITS, OR OTHERWISE CHOOSES TO PAY SUCH VOLUNTEER'S SALARY OR WAGES, FOR THE WORK TIME LOST BY RESPONDING TO THE INCIDENT.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.