

4310

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. CANESTRARI -- Multi-Sponsored by -- M. of A. CALHOUN, JOHN, MAGEE, McENENY, MILLER -- read once and referred to the Committee on Local Governments

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:

1 Section 1. Subdivision 4 of section 209-b of the general municipal
2 law, as amended by chapter 718 of the laws of 1958, is amended and two
3 new subdivisions 6 and 7 are added to read as follows:
4 4. Fees and charges [prohibited] AUTHORIZED. Emergency and general
5 ambulance service, INCLUDING EMERGENCY MEDICAL SERVICE, authorized
6 pursuant to this section [shall] MAY be furnished without cost to the
7 person served; PROVIDED, HOWEVER, THE AUTHORITIES HAVING CONTROL OF A
8 FIRE DEPARTMENT OR FIRE COMPANY, EXCEPT IN CITIES OF ONE MILLION OR
9 MORE, WHO HAVE AUTHORIZED SUCH FIRE DEPARTMENT OR FIRE COMPANY TO
10 PROVIDE SUCH SERVICE OR SERVICES MAY ESTABLISH FEES AND CHARGES FOR
11 SERVICES RENDERED. SHOULD THE GOVERNING BOARD OF A MUNICIPALITY ELECT
12 TO ESTABLISH A SCHEDULE OF FEES AND CHARGES FOR SERVICES RENDERED, AN
13 ANNUAL REPORT SUMMARIZING BILLINGS MADE AND REVENUES RECEIVED SHALL BE
14 MADE TO THE STATE COMPTROLLER IN ACCORDANCE WITH THE PROVISIONS OF
15 SECTION THIRTY OF THIS CHAPTER. THE STATE COMPTROLLER SHALL COMPILE THE
16 INFORMATION RECEIVED. FOR ANY SUCH MUNICIPALITY, RECORDS SHALL BE MAIN-
17 TAINED OF: (A) THE SCHEDULE OF FEES AND CHARGES ADOPTED; (B) THE NUMBER
18 OF CALLS WHICH CAUSED A BILL TO BE GENERATED; (C) THE AMOUNT CHARGED FOR
19 SUCH CALLS; AND (D) THE AMOUNT OF REVENUES RECEIVED. THE STATE COMP-
20 TROLLER MUST COMPILE AND MAINTAIN ON AN ANNUAL BASIS, A LIST OF THE
21 INFORMATION RECEIVED, AND MAKE SUCH LIST PUBLICLY AVAILABLE. SUCH
22 AUTHORITIES MAY FORMULATE RULES AND REGULATIONS FOR THE COLLECTION THER-
23 EOF. The acceptance by any fireman of any personal remuneration or
24 gratuity, directly or indirectly, from a person served shall be a ground

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

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1 for [his] expulsion or suspension as a member of the fire department or
2 fire company.

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

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

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