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

6781

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. SKARTADOS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of a police or fire vehicle by persons without a commercial driver's license

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

Section 1. Subparagraph (i) of paragraph (d) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by section 6 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(i) Notwithstanding the foregoing provisions of this subdivision, a motor vehicle or combination of vehicles, other than a motorcycle, that is a military vehicle operated by a member of the armed forces, or a police or fire vehicle during its use in an emergency operation[,] as defined in section one hundred fourteen-b of this chapter[,] *OR DURING ITS RETURN FROM SUCH EMERGENCY OPERATION TO THE LOCATION AT WHICH THE VEHICLE IS CUSTOMARILY GARAGED*, or a vehicle owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law may be operated with any class license other than a class DJ, M or MJ license. For the purposes of this paragraph the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians.

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

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S 2. Paragraph (b) of subdivision 4 of section 501-a of the vehicle and traffic law, as amended by chapter 251 of the laws of 2007, is amended to read as follows:

(b) However, a commercial motor vehicle shall not include: (i) a personal use vehicle or a farm vehicle or a combination of such vehicles; (ii) any motor vehicle or combination of motor vehicles operated by a member of the armed forces for military purposes; (iii) a police or fire vehicle or a vehicle during its use in an emergency operation[,] as defined in section one hundred fourteen-b of this chapter[,] OR DURING ITS RETURN FROM SUCH EMERGENCY OPERATION TO THE LOCATION AT WHICH THE VEHICLE IS CUSTOMARILY GARAGED, owned and identified as being owned by the state, a political subdivision thereof, an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law or combination of such vehicles; or (iv) a vehicle or combination of vehicles which is designed and primarily used for purposes other than the transportation of persons or property and which is operated on a public highway only occasionally for the purpose of being transported to a construction or off-highway site at which its primary purpose is to be performed except as may otherwise be specifically provided by regulation of the commissioner. For the purposes of this paragraph, the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians.

S 3. This act shall take effect immediately.