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

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I N S E N A T E

February 3, 2009

Introduced by Sens. FOLEY, VALESKY, C. JOHNSON, SAVINO, AUBERTINE, BONACIC, BRESLIN, DILAN, ESPADA, FARLEY, FLANAGAN, HASSELL-THOMPSON, HUNTLEY, O. JOHNSON, LARKIN, LAVALLE, LITTLE, MAZIARZ, ONORATO, OPPENHEIMER, PERKINS, SEWARD, STEWART-COUSINS, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the operation of an emergency vehicle without a commercial drivers 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 4 of part K of chapter 59 of the laws of 2009, 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) a military vehicle operated by a member of the armed forces, or (B) a police VEHICLE or fire vehicle during its use in an emergency operation[,] as defined in section one hundred fourteen-b of this chapter, OR IN THE PERFORMANCE OF OFFICIAL DUTIES, OR ACTIVITIES RELATED TO THE EXECUTION OF EMERGENCY GOVERNMENTAL FUNCTIONS PURSUANT TO SECTION 383.3 (D)(2) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, or (C) a vehicle owned and identified as being owned by the state[,] OR a political subdivision thereof[,] OR 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 TO PERFORM OFFI-

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

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CIAL DUTIES, OR ACTIVITIES RELATED TO THE EXECUTION OF EMERGENCY GOVERNMENTAL FUNCTIONS PURSUANT TO SECTION 383.3 (D)(2) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, 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. Notwithstanding the provisions of section one hundred fourteen-b of this chapter, for the purposes of this subparagraph, the term "emergency operation" shall include returning from emergency service.

S 2. Paragraph (b) of subdivision 4 of section 501-a of the vehicle and traffic law, as amended by section 5 of part K of chapter 59 of the laws of 2009, 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 VEHICLE or fire vehicle [or a vehicle], OR COMBINATION OF SUCH VEHICLES during its use in an emergency operation[,] as defined in section one hundred fourteen-b of this chapter, OR IN THE PERFORMANCE OF OFFICIAL DUTIES, OR ACTIVITIES RELATED TO THE EXECUTION OF EMERGENCY GOVERNMENTAL FUNCTIONS PURSUANT TO SECTION 383.3 (D)(2) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; (IV) A VEHICLE OR COMBINATION OF VEHICLES owned and identified as being owned by the state[,] OR a political subdivision thereof[,] OR 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 TO PERFORM OFFICIAL DUTIES, OR ACTIVITIES RELATED TO THE EXECUTION OF EMERGENCY GOVERNMENTAL FUNCTIONS PURSUANT TO SECTION 383.3 (D)(2) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; or [(iv)] (V) 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. Notwithstanding the provisions of section one hundred fourteen-b of this chapter, for the purposes of this paragraph, the term "emergency operation" shall include returning from emergency service.

S 3. This act shall take effect immediately.