

7291

2011-2012 Regular Sessions

I N A S S E M B L Y

April 28, 2011

Introduced by M. of A. CANESTRARI -- read once and referred to the
Committee on Local Governments

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 to read
3 as follows:

4 4. Fees and charges [prohibited] AUTHORIZED. Emergency and general
5 ambulance service, INCLUDING EMERGENCY MEDICAL SERVICE AS DEFINED IN
6 SECTION THREE THOUSAND ONE OF THE PUBLIC HEALTH LAW, authorized pursuant
7 to this section [shall] MAY be furnished without cost to the person
8 served; PROVIDED, HOWEVER, THAT THE AUTHORITIES HAVING CONTROL OF A FIRE
9 DEPARTMENT OR FIRE COMPANY THAT HAVE AUTHORIZED SUCH FIRE DEPARTMENT OR
10 FIRE COMPANY TO PROVIDE SUCH SERVICE OR SERVICES MAY FIX A SCHEDULE OF
11 FEES OR CHARGES TO BE PAID BY PERSONS REQUESTING SUCH SERVICE OR
12 SERVICES. THE AUTHORITIES HAVING CONTROL OF A FIRE DEPARTMENT OR FIRE
13 COMPANY MAY PROVIDE FOR THE COLLECTION OF FEES AND CHARGES OR MAY FORMU-
14 LATE RULES AND REGULATIONS FOR THE COLLECTION THEREOF BY THE FIRE
15 DEPARTMENT OR FIRE COMPANY. WHEN FEES AND CHARGES ARE AUTHORIZED PURSU-
16 ANT TO THIS SUBDIVISION, THE FEES AND CHARGES COLLECTED SHALL BE
17 DISBURSED IN ACCORDANCE WITH A WRITTEN CONTRACT ENTERED INTO BETWEEN THE
18 AUTHORITY HAVING CONTROL OF A FIRE DEPARTMENT OR FIRE COMPANY AND THE
19 FIRE DEPARTMENT OR FIRE COMPANY ITSELF. The acceptance by any fireman
20 of any personal remuneration or gratuity, directly or indirectly, from a
21 person served shall be a ground for his expulsion or suspension as a
22 member of the fire department or fire company.

23 S 2. Paragraph (e) of subdivision 1 of section 122-b of the general
24 municipal law, as amended by chapter 303 of the laws of 1980, is amended
25 to read as follows:

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

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1 (e) [No] A contract [shall] MAY be entered into pursuant to the
2 provisions of this section for the services of an emergency rescue and
3 first aid squad of a fire department or fire company which is subject to
4 the provisions of section two hundred nine-b of the general municipal
5 law;

6 S 3. Subdivision 1 of section 184 of the town law, as amended by chap-
7 ter 599 of the laws of 1994, is amended to read as follows:

8 1. Whenever the town board shall have established or extended a fire
9 protection district pursuant to the provisions of this article, the town
10 board shall provide for the furnishing of fire protection within the
11 district and for that purpose may (a) contract with any city, village,
12 fire district or incorporated fire company maintaining adequate and
13 suitable apparatus and appliances for the furnishing of fire protection
14 in such district or (b) may acquire by gift or purchase such apparatus
15 and appliances for use in such district and may contract with any city,
16 village, fire district or incorporated fire company for operation, main-
17 tenance, and repair of the same and for the furnishing of fire
18 protection in such district, or both. The contract may also provide for
19 the furnishing of (1) emergency service in case of accidents, calamities
20 or other emergencies in connection with which the services of firefight-
21 ers would be required and (2) general ambulance service subject, howev-
22 er, to the provisions of section two hundred nine-b of the general
23 municipal law. In the event that the fire department or fire company
24 furnishing fire protection within the district pursuant to contract does
25 not maintain and operate an ambulance then a separate contract may be
26 made for the furnishing within the district of emergency ambulance
27 service or general ambulance service, or both, with any city, village or
28 fire district the fire department of which, or with an incorporated fire
29 company having its headquarters outside the district which, maintains
30 and operates an ambulance subject, however, in the case of general ambu-
31 lance service, to the provisions of section two hundred nine-b of the
32 general municipal law, or with an ambulance service, certified or regis-
33 tered pursuant to article thirty of the public health law[, which is not
34 organized under the provisions of section two hundred nine-b of the
35 general municipal law]. Any such contract with any such ambulance
36 service permitted herein shall be subject to the provisions of this
37 section.

38 S 4. This act shall take effect on the ninetieth day after it shall
39 have become a law.