

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

8117--D

2011-2012 Regular Sessions

I N A S S E M B L Y

June 2, 2011

Introduced by M. of A. CUSICK, TOBACCO, MALLIOTAKIS, TITONE -- Multi-Sponsored by -- M. of A. O'DONNELL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law and the vehicle and traffic law, in relation to the operation of fire patrols; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The not-for-profit corporation law is amended by adding a
2 new section 1413 to read as follows:
3 S 1413. FIRE PATROLS.
4 (A) ANY ORGANIZATION INCORPORATED ON OR AFTER APRIL FIRST, TWO THOU-
5 SAND TEN UNDER THIS CHAPTER FOR THE PURPOSES OF PROTECTING LIFE AND
6 PROPERTY THROUGH THE SAFE AND EFFICIENT MEANS OF MODERN SALVAGE AND
7 PROPERTY DAMAGE MITIGATION TECHNIQUES, OF SAVING OR REDUCING THE LOSS OF
8 PROPERTY EXPOSED TO WATER, SMOKE OR GASSES, AND THEREBY REDUCING LOSSES
9 TO PROPERTY OWNERS, AND OF OTHER PUBLIC BENEFITS, INCLUDING BUT NOT
10 LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE
11 COURSE OF THEIR RESPECTIVE DUTIES WHEN DULY AUTHORIZED THEREBY, SHALL BE
12 GOVERNED BY THIS CHAPTER AND SHALL BE KNOWN AS AND MAY USE THE TERM
13 "FIRE PATROL" OR "FIRE PATROLS" TO DESCRIBE SUCH ENTITY. NO OTHER ENTI-
14 TY SHALL USE SUCH TERMS, UNLESS IT IS AUTHORIZED BY OR ASSOCIATED WITH A

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

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1 FIRE DEPARTMENT, FIRE DISTRICT OR MUNICIPALITY. PROVIDED, HOWEVER, THAT
2 ANY FIRE PATROL INCORPORATED ON OR AFTER APRIL FIRST, TWO THOUSAND TEN
3 SHALL ONLY OPERATE WITHIN THE BOUNDARIES OF A CITY OF ONE MILLION OR
4 MORE.

5 (B) NOTHING IN THIS CHAPTER SHALL PRECLUDE ANY ENTITY INCORPORATED
6 PRIOR TO APRIL FIRST, TWO THOUSAND TEN AND ORGANIZED UNDER THIS CHAPTER
7 OR ITS PREDECESSOR ARTICLES, FOR PURPOSES SIMILAR TO THOSE IN PARAGRAPH
8 (A) OF THIS SECTION AND ACTIVELY OPERATING AS OF THE EFFECTIVE DATE OF
9 THIS SECTION WITH SUCH PURPOSES AND UNDER THE NAME OF A FIRE PATROL,
10 FROM HOLDING ITSELF OUT AS A FIRE PATROL AS THAT TERM IS DEFINED IN THIS
11 CHAPTER.

12 (C) FIRE PATROLS, IN THE EXECUTION OF ITS PURPOSES, INCLUDING BUT NOT
13 LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE
14 COURSE OF THEIR RESPECTIVE DUTIES, SHALL HAVE THE POWER TO ENTER ANY
15 BUILDING ON FIRE OR WHICH MAY BE EXPOSED TO OR IN DANGER OF LOSS OR
16 DAMAGE BY FIRE, SMOKE OR WATER, OR IN WHICH PROPERTY MAY BE IN DANGER OF
17 LOSS OR DAMAGE FROM FIRE, SMOKE OR WATER, AND TO PROTECT AND ENDEAVOR TO
18 SAVE THE PROPERTY THEREIN AND, WHEN NECESSARY, TO REMOVE SUCH PROPERTY
19 OR ANY PART THEREOF; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS
20 PARAGRAPH SHALL NOT WARRANT ANY INTERFERENCE WITH THE ACTIONS OF THE
21 MEMBERS OF THE FIRE DEPARTMENT OR PUBLIC AGENCY TO WHICH THE FIRE PATROL
22 IS RENDERING ASSISTANCE, AND THE FIRE PATROL SHALL IN ALL RESPECTS AND
23 AT ALL TIMES WHEN RENDERING ASSISTANCE TO A FIRE DEPARTMENT OR PUBLIC
24 AGENCY SHALL BE SUBORDINATE TO AND UNDER THE CONTROL OF THE FIRE DEPART-
25 MENT OR PUBLIC AGENCY TO WHICH ASSISTANCE IS RENDERED; PROVIDED FURTHER
26 THAT ANY FIRE PATROL THAT OPERATES WITHIN A CITY OF ONE MILLION OR MORE
27 SHALL BE LIMITED IN ITS RESPONSE AUTHORITY TO SAID CITY, BUT NOTHING
28 HEREIN SHALL LIMIT OR PROHIBIT THE FIRE PATROL SO OPERATING TO CONDUCT
29 EDUCATIONAL PROGRAMS OR OTHER NON-RESPONSE ACTIVITIES CONSISTENT WITH
30 ITS MISSION AND STANDING AS A DULY ORGANIZED AND RECOGNIZED NOT-FOR-PRO-
31 FIT CORPORATION IN ANY OTHER PART OF THE STATE IN ADDITION TO SAID CITY.

32 (D) ANY VEHICLE AFFILIATED WITH A FIRE PATROL SHALL BE DEEMED TO BE A
33 FIRE VEHICLE AND THEREBY AN EMERGENCY VEHICLE AS DEFINED IN SECTIONS ONE
34 HUNDRED ONE AND ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW AND
35 GOVERNED BY SECTION ELEVEN HUNDRED FOUR OF SUCH LAW. THE VEHICLES OF
36 SUCH FIRE PATROL SHALL ALSO BE DEEMED TO BE EMERGENCY VEHICLES FOR THE
37 PURPOSES OF SECTION TWO THOUSAND THREE HUNDRED THIRTY-FIVE-A OF THE
38 INSURANCE LAW.

39 S 2. Section 101 of the vehicle and traffic law, as amended by chapter
40 446 of the laws of 2003, is amended to read as follows:

41 S 101. Authorized emergency vehicle. Every ambulance, police vehicle
42 or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil
43 defense emergency vehicle, emergency ambulance service vehicle, blood
44 delivery vehicle, county emergency medical services vehicle, environ-
45 mental emergency response vehicle, sanitation patrol vehicle, hazardous
46 materials emergency vehicle and ordnance disposal vehicle of the armed
47 forces of the United States.

48 S 3. The opening paragraph of section 115-a of the vehicle and traffic
49 law, as amended by chapter 176 of the laws of 1973, is amended to read
50 as follows:

51 Every vehicle operated for fire service purposes owned and identified
52 as being owned by the state, a public authority, a county, town, city,
53 village or fire district, or a fire corporation subject to the
54 provisions of [subdivision] PARAGRAPH (e) of section fourteen hundred
55 two of the not-for-profit corporation law [or], a fire company as
56 defined in section one hundred of the general municipal law OR A FIRE

1 PATROL AS DEFINED IN PARAGRAPH (A) OF SECTION FOURTEEN HUNDRED THIRTEEN
2 OF THE NOT-FOR-PROFIT CORPORATION LAW. Any of the following vehicles
3 shall be fire vehicles only for the purpose of section one hundred one
4 of this [chapter] ARTICLE:
5 S 4. This act shall take effect immediately and shall expire and be
6 deemed repealed 5 years after such date.