

4417

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sen. MARTINS -- (at request of the Division of State Police) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of authorized emergency vehicles

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

1 Section 1. Subdivision (e) of section 1104 of the vehicle and traffic
2 law, as relettered by chapter 336 of the laws of 1968, is amended to
3 read as follows:
4 (e) [The foregoing provisions shall not relieve the driver of an
5 authorized emergency vehicle from the duty to drive with due regard for
6 the safety of all persons, nor shall such provisions protect the driver
7 from the consequences of his reckless disregard for the safety of
8 others] IN ADDITION TO THE IMMUNITY FROM PROSECUTION PROVIDED FOR IN
9 SUBDIVISION (B) OF THIS SECTION, NO CAUSE OF ACTION MAY BE BROUGHT FOR
10 DAMAGES AS A RESULT OF THE OPERATION OF AN EMERGENCY VEHICLE WHEN THE
11 OPERATOR OF SUCH VEHICLE WAS ENGAGED IN EMERGENCY OPERATION AT THE TIME,
12 PROVIDED THAT THE OPERATOR WHO WAS ENGAGED IN SUCH EMERGENCY OPERATION
13 WAS NOT ACTING WITH RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.
14 S 2. This act shall take effect immediately.

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

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