

5305

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to providing an exemption from civil liability for any person who renders emergency medical care during a state declaration of disaster emergency

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

- 1 Section 1. Section 28 of the executive law is amended by adding two
2 new subdivisions 5 and 6 to read as follows:
3 5. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR
4 CORPORATION, AND THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPO-
5 RATION, IN THE PERFORMANCE OF A CONTRACT RELATED TO SUCH EMERGENCY WITH
6 AND UNDER THE DIRECTION OF THE STATE OR ITS POLITICAL SUBDIVISIONS UNDER
7 THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING
8 THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN
9 THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS
10 SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY
11 SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF
12 SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING
13 OUT OF THE OPERATION OF MOTOR VEHICLES.
14 6. DURING A STATE DISASTER EMERGENCY, ANY PRIVATE PERSON, FIRM OR
15 CORPORATION, AND THE EMPLOYEES AND AGENTS OF SUCH PERSON, FIRM OR CORPO-
16 RATION, WHO RENDERS ASSISTANCE OR ADVICE IN CONNECTION WITH SUCH EMER-
17 GENCY AT THE REQUEST OF THE STATE OR ITS POLITICAL SUBDIVISIONS UNDER
18 THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CIVILLY LIABLE FOR CAUSING
19 THE DEATH OR INJURY OF ANY PERSON, OR DAMAGE TO ANY PROPERTY EXCEPT IN
20 THE EVENT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT. NOTHING IN THIS
21 SUBDIVISION SHALL BE DEEMED TO RELIEVE OR ALTER THE LIABILITY OF ANY
22 SUCH PRIVATE PERSON, FIRM OR CORPORATION OR THE EMPLOYEES AND AGENTS OF
23 SUCH PERSON, FIRM OR CORPORATION FOR DAMAGES OR INJURIES OR DEATH ARISING
24 OUT OF THE OPERATION OF MOTOR VEHICLES.
25 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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