

5573

2011-2012 Regular Sessions

I N   S E N A T E

June 2, 2011

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Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law and the vehicle and traffic law, in relation to the operation of fire patrols

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 PATROLS" TO DESCRIBE SUCH ENTITY.  
14    (B) NOTHING IN THIS CHAPTER SHALL PRECLUDE ANY ENTITY IN EXISTENCE  
15    PRIOR TO APRIL FIRST, TWO THOUSAND TEN AND ORGANIZED UNDER THIS CHAPTER  
16    OR ITS PREDECESSOR ARTICLES, FOR PURPOSES SIMILAR TO THOSE IN SUBDIVI-  
17    SION (A) OF THIS SECTION AND OPERATING AS OF THE EFFECTIVE DATE OF THIS  
18    SECTION UNDER THE NAME OF A FIRE PATROL, FROM HOLDING ITSELF OUT AS A  
19    FIRE PATROL AS THAT TERM IS DEFINED IN THIS SECTION.  
20    (C) FIRE PATROLS, IN THE EXECUTION OF ITS PURPOSES, INCLUDING BUT NOT  
21    LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES, SHALL  
22    HAVE THE POWER TO ENTER ANY BUILDING ON FIRE OR WHICH MAY BE EXPOSED TO  
23    OR IN DANGER OF LOSS OR DAMAGE BY FIRE, SMOKE OR WATER, OR IN WHICH  
24    PROPERTY MAY BE IN DANGER OF LOSS OR DAMAGE FROM FIRE, SMOKE OR WATER,

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

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1 AND TO PROTECT AND ENDEAVOR TO SAVE THE PROPERTY THEREIN AND, WHEN  
2 NECESSARY, TO REMOVE SUCH PROPERTY OR ANY PART THEREOF.

3 (D) ANY VEHICLE AFFILIATED WITH A FIRE PATROL SHALL BE DEEMED TO BE A  
4 FIRE VEHICLE AND THEREBY AN EMERGENCY VEHICLE AS DEFINED IN SECTIONS ONE  
5 HUNDRED ONE AND ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW AND  
6 GOVERNED BY SECTION ELEVEN HUNDRED FOUR OF SUCH LAW. THE VEHICLES OF  
7 SUCH FIRE PATROL SHALL ALSO BE DEEMED TO BE EMERGENCY VEHICLES FOR THE  
8 PURPOSES OF SECTION TWO THOUSAND THREE HUNDRED THIRTY-FIVE-A OF THE  
9 INSURANCE LAW.

10 S 2. Section 101 of the vehicle and traffic law, as amended by chapter  
11 446 of the laws of 2003, is amended to read as follows:

12 S 101. Authorized emergency vehicle. Every ambulance, police vehicle  
13 or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil  
14 defense emergency vehicle, emergency ambulance service vehicle, blood  
15 delivery vehicle, county emergency medical services vehicle, environ-  
16 mental emergency response vehicle, sanitation patrol vehicle, hazardous  
17 materials emergency vehicle and ordnance disposal vehicle of the armed  
18 forces of the United States.

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

22 Every vehicle operated for fire service purposes owned and identified  
23 as being owned by the state, a public authority, a county, town, city,  
24 village or fire district, or a fire corporation subject to the  
25 provisions of subdivision (e) of section fourteen hundred two of the  
26 not-for-profit corporation law [or], a fire company as defined in  
27 section one hundred of the general municipal law OR A FIRE PATROL AS  
28 DEFINED IN SUBDIVISION (A) OF SECTION FOURTEEN HUNDRED THIRTEEN OF THE  
29 NOT-FOR-PROFIT CORPORATION LAW. Any of the following vehicles shall be  
30 fire vehicles only for the purpose of section one hundred one of this  
31 [chapter] ARTICLE:

32 S 4. This act shall take effect immediately.