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

5253--B

2013-2014 Regular Sessions

I N A S S E M B L Y

February 21, 2013

Introduced by M. of A. CUSICK, TITONE, MALLIOTAKIS, BORELLI -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, 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

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:

Section 1. The not-for-profit corporation law is amended by adding a new section 1413 to read as follows:

S 1413. FIRE PATROLS.

(A) "FIRE PATROL" MEANS ANY ENTITY WHOSE SERVICES INCLUDE PROTECTING LIFE AND PROPERTY THROUGH THE SAFE AND EFFICIENT MEANS OF MODERN SALVAGE AND PROPERTY DAMAGE MITIGATION TECHNIQUES, OF SAVING OR REDUCING THE LOSS OF PROPERTY EXPOSED TO WATER, SMOKE OR GASSES, AND THEREBY REDUCING LOSSES TO PROPERTY OWNERS, AND OF OTHER PUBLIC BENEFITS, INCLUDING BUT NOT LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE COURSE OF THEIR RESPECTIVE DUTIES WHEN DULY AUTHORIZED THEREBY, SHALL BE GOVERNED BY THIS CHAPTER AND SHALL BE KNOWN AS AND MAY USE THE TERM "FIRE PATROL" OR "FIRE PATROLS" TO DESCRIBE SUCH ENTITY. NO OTHER ENTITY SHALL USE SUCH TERMS. ANY FIRE PATROL INCORPORATED ON OR AFTER APRIL FIRST, TWO THOUSAND TEN SHALL ONLY OPERATE WITHIN THE BOUNDARIES OF RICHMOND COUNTY.

(B) NOTHING IN THIS CHAPTER SHALL PERMIT ANY FIRE PATROL TO OPERATE AND PROVIDE EMERGENCY RESPONSE SERVICES EXCEPT IN RESPONSE TO PROPERTIES LOCATED COMPLETELY WITHIN THE BOUNDARIES OF RICHMOND COUNTY NOR TO OPERATE AS A SUCCESSOR IN INTEREST TO ANY FIRE PATROL INCORPORATED OR WHICH OPERATED PRIOR TO APRIL FIRST, TWO THOUSAND TEN.

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

LBD08894-04-3

(C) FIRE PATROLS, IN THE EXECUTION OF ITS PURPOSES, INCLUDING BUT NOT LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN THE COURSE OF THEIR RESPECTIVE DUTIES, SHALL HAVE THE POWER TO ENTER ANY BUILDING ON FIRE OR WHICH MAY BE EXPOSED TO OR IN DANGER OF LOSS OR DAMAGE BY FIRE, SMOKE OR WATER, OR IN WHICH PROPERTY MAY BE IN DANGER OF LOSS OR DAMAGE FROM FIRE, SMOKE OR WATER, AND TO PROTECT AND ENDEAVOR TO SAVE THE PROPERTY THEREIN AND, WHEN NECESSARY, TO REMOVE SUCH PROPERTY OR ANY PART THEREOF; PROVIDED, HOWEVER, THAT THE OFFICER OF THE FIRE DEPARTMENT OR AGENCY IN CHARGE AT THE SCENE OF ANY FIRE OR EMERGENCY EXPRESSLY PERMITS THE FIRE PATROL TO ENTER THE PROPERTY PRIOR TO SUCH ENTRY AND SUCH ENTRY DOES NOT INTERFERE WITH THE ACTIONS OF THE MEMBERS OF THE FIRE DEPARTMENT OR PUBLIC AGENCY TO WHICH THE FIRE PATROL IS RENDERING ASSISTANCE, AND THE FIRE PATROL SHALL IN ALL RESPECTS AND AT ALL TIMES WHEN RENDERING ASSISTANCE TO A FIRE DEPARTMENT OR PUBLIC AGENCY SHALL BE SUBORDINATE TO AND UNDER THE CONTROL OF THE FIRE DEPARTMENT OR PUBLIC AGENCY TO WHICH ASSISTANCE IS RENDERED. NOTHING HEREIN SHALL LIMIT OR PROHIBIT THE FIRE PATROL SO OPERATING TO CONDUCT EDUCATIONAL PROGRAMS OR OTHER NON-RESPONSE ACTIVITIES CONSISTENT WITH ITS MISSION AND STANDING AS A DULY ORGANIZED AND RECOGNIZED NOT-FOR-PROFIT CORPORATION IN ANY OTHER PART OF THE STATE IN ADDITION TO RICHMOND COUNTY.

(D) ANY VEHICLE AFFILIATED WITH A FIRE PATROL SHALL BE DEEMED TO BE A FIRE VEHICLE AND THEREBY AN EMERGENCY VEHICLE AS DEFINED IN SECTIONS ONE HUNDRED ONE AND ONE HUNDRED FIFTEEN-A OF THE VEHICLE AND TRAFFIC LAW AND GOVERNED BY SECTION ELEVEN HUNDRED FOUR OF SUCH LAW, PROVIDED THAT SUCH VEHICLE IS OPERATED ONLY BY DRIVERS WHO HAVE TAKEN AND PASSED AN EMERGENCY VEHICLE DRIVING COURSE AND ONLY OPERATE AS EMERGENCY VEHICLES WITHIN THE BORDERS OF THE COUNTY OF RICHMOND. THE VEHICLES OF SUCH FIRE PATROL SHALL ALSO BE DEEMED TO BE EMERGENCY VEHICLES FOR THE PURPOSES OF SECTION TWO THOUSAND THREE HUNDRED THIRTY-FIVE-A OF THE INSURANCE LAW.

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

S 101. Authorized emergency vehicle. Every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, county emergency medical services vehicle, environmental emergency response vehicle, sanitation patrol vehicle, hazardous materials emergency vehicle and ordnance disposal vehicle of the armed forces of the United States.

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

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

S 4. This act shall take effect immediately and shall expire and be deemed repealed 5 years after such date.