

5253--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 21, 2013

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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:

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) "FIRE PATROL" MEANS ANY ENTITY WHOSE SERVICES INCLUDE PROTECTING  
5     LIFE AND PROPERTY THROUGH THE SAFE AND EFFICIENT MEANS OF MODERN SALVAGE  
6     AND PROPERTY DAMAGE MITIGATION TECHNIQUES, OF SAVING OR REDUCING THE  
7     LOSS OF PROPERTY EXPOSED TO WATER, SMOKE OR GASSES, AND THEREBY REDUCING  
8     LOSSES TO PROPERTY OWNERS, AND OF OTHER PUBLIC BENEFITS, INCLUDING BUT  
9     NOT LIMITED TO ASSISTING FIRE DEPARTMENTS OR OTHER PUBLIC AGENCIES IN  
10    THE COURSE OF THEIR RESPECTIVE DUTIES WHEN DULY AUTHORIZED THEREBY,  
11    SHALL BE GOVERNED BY THIS CHAPTER AND SHALL BE KNOWN AS AND MAY USE THE  
12    TERM "FIRE PATROL" OR "FIRE PATROLS" TO DESCRIBE SUCH ENTITY. NO OTHER  
13    ENTITY SHALL USE SUCH TERMS. ANY FIRE PATROL INCORPORATED ON OR AFTER  
14    APRIL FIRST, TWO THOUSAND TEN SHALL ONLY OPERATE WITHIN THE BOUNDARIES  
15    OF RICHMOND COUNTY.  
16    (B) NOTHING IN THIS CHAPTER SHALL PERMIT ANY FIRE PATROL TO OPERATE  
17    AND PROVIDE EMERGENCY RESPONSE SERVICES EXCEPT IN RESPONSE TO PROPERTIES  
18    LOCATED COMPLETELY WITHIN THE BOUNDARIES OF RICHMOND COUNTY NOR TO OPER-  
19    ATE AS A SUCCESSOR IN INTEREST TO ANY FIRE PATROL INCORPORATED OR WHICH  
20    OPERATED PRIOR TO APRIL FIRST, TWO THOUSAND TEN.

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

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

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

30 S 2. Section 101 of the vehicle and traffic law, as amended by chapter  
31 446 of the laws of 2003, is amended to read as follows:

32 S 101. Authorized emergency vehicle. Every ambulance, police vehicle  
33 or bicycle, correction vehicle, fire vehicle, FIRE PATROL VEHICLE, civil  
34 defense emergency vehicle, emergency ambulance service vehicle, blood  
35 delivery vehicle, county emergency medical services vehicle, environ-  
36 mental emergency response vehicle, sanitation patrol vehicle, hazardous  
37 materials emergency vehicle and ordnance disposal vehicle of the armed  
38 forces of the United States.

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

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

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