STATE OF NEW YORK

5670

2019-2020 Regular Sessions

IN SENATE

May 10, 2019

Introduced by Sen. KENNEDY -- 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 designating human organ delivery vehicles as authorized emergency vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 101 of the vehicle and traffic law, as amended by chapter 446 of the laws of 2003, is amended to read as follows:

§ 101. Authorized emergency vehicle. Every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle, blood delivery vehicle, **human organ 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.

§ 2. Section 114-b of the vehicle and traffic law, as amended by chapter 460 of the laws of 1996, is amended to read as follows:

§ 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products **or transporting human organs, human tissue or medical personnel for the purpose of organ recovery or transplantation,** in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

§ 3. The vehicle and traffic law is amended by adding a new section 117-e to read as follows:

§ 117-e. Human organ delivery vehicle. Any vehicle which is operated, authorized or contracted by or on behalf of an organ procurement organ-

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

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ization, as defined in subdivision five of section four thousand three hundred sixty of the public health law, for the sole purpose of transporting human organs, human tissue, or medical personnel for the purpose of organ recovery or transplantation on an emergency basis. The vehicle must be dedicated to serve as and be clearly identified as an organ transport vehicle, and operators must receive written authorization from the department of health prior to operation of a vehicle in such capacity. No human organ delivery vehicle shall be operated as an authorized emergency vehicle engaged in an emergency operation unless the driver of such vehicle has undergone appropriate training, as approved by the department of health, for the operation of authorized emergency vehicles during emergency operations and a defensive driving course. Nothing in this section shall preclude those persons otherwise approved to operate any other authorized emergency vehicle as defined in section one hundred one of this article from operating such vehicle as a human organ delivery vehicle.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.