

# STATE OF NEW YORK

8933--A

## IN ASSEMBLY

January 19, 2022

Introduced by M. of A. EICHENSTEIN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to limiting the liability of operators and owners of first-response emergency vehicles for monetary penalties for certain traffic violations committed while responding to a medical emergency in a city with a population of one million or more persons

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

1 Section 1. Section 240 of the vehicle and traffic law is amended by  
2 adding a new subdivision 1-b to read as follows:

3 1-b. (a) In a city having a population of one million or more, at  
4 every hearing for the adjudication of a notice of liability, as provided  
5 by this article, there shall be a rebuttable presumption that the owner  
6 of a first-response emergency vehicle alleged to be liable in accordance  
7 with any provisions of law specifically authorizing the imposition of  
8 monetary liability on the owner of a vehicle for failure of an operator  
9 thereof: to comply with traffic-control indications in violation of  
10 subdivision (d) of section eleven hundred eleven of this chapter through  
11 the installation and operation of traffic-control signal photo viola-  
12 tion-monitoring systems, in accordance with article twenty-four of this  
13 chapter; or to comply with certain posted maximum speed limits in  
14 violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
15 hundred eighty of this chapter through the installation and operation of  
16 photo speed violation monitoring systems, in accordance with article  
17 thirty of this chapter; or to comply with bus lane restrictions as  
18 defined by article twenty-four of this chapter through the installation  
19 and operation of bus lane photo devices, in accordance with article  
20 twenty-four of this chapter is not liable for such alleged violation if  
21 such owner of the first-response emergency vehicle provides the hearing  
22 officer with:

23 (i) a signed and affirmed affidavit attesting that the operator of the  
24 first-response emergency vehicle at the time of the alleged violation is

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

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1 a medically-trained first responder and that the alleged violation  
2 occurred while the operator of the first-response emergency vehicle was  
3 involved in an emergency operation in such vehicle in response to a  
4 medical emergency call; and

5 (ii) documentation supporting the dispatch of the medical emergency  
6 call and the dispatch of the operator and the first-response emergency  
7 vehicle to the scene of the medical emergency.

8 (b) As used in this subdivision, "first-response emergency vehicle"  
9 shall mean ambulances as defined in section one hundred-b of this chap-  
10 ter and emergency ambulance service vehicles as defined in section one  
11 hundred fifteen-c of this chapter.

12 § 2. This act shall take effect on the one hundred eightieth day after  
13 it shall have become a law. Effective immediately, the addition, amend-  
14 ment and/or repeal of any rule or regulation necessary for the implemen-  
15 tation of this act on its effective date are authorized to be made and  
16 completed on or before such effective date.