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:

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

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

(i) a signed and affirmed affidavit attesting that the operator of the 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.

LBD13830-12-2

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

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

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

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.