

# STATE OF NEW YORK

5041

2023-2024 Regular Sessions

## IN SENATE

February 22, 2023

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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:

§ 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.

(c) Fire patrols, in the execution of their 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

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

LBD08740-01-3

1 building on fire or which may be exposed to or in danger of loss or  
2 damage by fire, smoke or water, or in which property may be in danger of  
3 loss or damage from fire, smoke or water, and to protect and endeavor to  
4 save the property therein and, when necessary, to remove such property  
5 or any part thereof; provided, however, that the officer of the fire  
6 department or agency in charge at the scene of any fire or emergency  
7 expressly permits the fire patrol to enter the property prior to such  
8 entry and such entry does not interfere with the actions of the members  
9 of the fire department or public agency to which the fire patrol is  
10 rendering assistance, and the fire patrol shall in all respects and at  
11 all times when rendering assistance to a fire department or public agen-  
12 cy shall be subordinate to and under the control of the fire department  
13 or public agency to which assistance is rendered. Nothing herein shall  
14 limit or prohibit the fire patrol so operating to conduct educational  
15 programs or other non-response activities consistent with its mission  
16 and standing as a duly organized and recognized not-for-profit corpo-  
17 ration in any other part of the state in addition to Richmond county.

18 § 2. Section 101 of the vehicle and traffic law, as amended by chapter  
19 496 of the laws of 2021, is amended to read as follows:

20 § 101. Authorized emergency vehicle. Every ambulance, police vehicle  
21 or bicycle, correction vehicle, fire vehicle, fire patrol vehicle, civil  
22 defense emergency vehicle, emergency ambulance service vehicle, blood  
23 delivery vehicle, human organ delivery vehicle, county emergency medical  
24 services vehicle, environmental emergency response vehicle, sanitation  
25 patrol vehicle, hazardous materials emergency vehicle and ordnance  
26 disposal vehicle of the armed forces of the United States.

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

30 Every vehicle operated for fire service purposes owned and identified  
31 as being owned by the state, a public authority, a county, town, city,  
32 village or fire district, or a fire corporation subject to the  
33 provisions of [~~subdivision~~] paragraph (e) of section fourteen hundred  
34 two of the not-for-profit corporation law [~~or~~], a fire company as  
35 defined in section one hundred of the general municipal law or a fire  
36 patrol as defined in paragraph (a) of section fourteen hundred thirteen  
37 of the not-for-profit corporation law. Any of the following vehicles  
38 shall be fire vehicles only for the purpose of section one hundred one  
39 of this [~~chapter~~] article:

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