

# STATE OF NEW YORK

8595

## IN SENATE

February 20, 2024

Introduced by Sen. SCARCELLA-SPANTON -- 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 limiting the liability of midwives for monetary penalties for certain traffic violations committed while responding to a patient in a city with a population of one million or more

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-c to read as follows:

3 1-c. In a city having a population of one million or more, at every  
4 hearing for the adjudication of a notice of liability, as provided by  
5 this article, there shall be a rebuttable presumption that an owner of a  
6 motor vehicle who is a licensed midwife, alleged to be liable in accord-  
7 ance with any provisions of law specifically authorizing the imposition  
8 of monetary liability on the owner of a vehicle for failure of an opera-  
9 tor 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 provides the hearing officer with a signed and affirmed affi-  
22 davit attesting that such owner is a midwife, and was responding to an  
23 emergency medical situation at the time that the alleged violation  
24 occurred, or such other proof as such hearing officer deems appropriate.

25 § 2. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law. Effective immediately, the addition, amend-

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

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1 ment and/or repeal of any rule or regulation necessary for the implemen-  
2 tation of this act on its effective date are authorized to be made and  
3 completed on or before such effective date.