§ 50-c. Liability for negligent operation of certain vehicles in the performance of duty by police officers and paid firefighters. 1. Every city, town, village and fire district, notwithstanding any inconsistent provision of law, general, special or local or the limitation contained in the provisions of any city charter, shall be liable for, and shall assume the liability to the extent that it shall save harmless any duly appointed police officers of the municipality or any duly appointed paid firefighters of the municipality or fire district for, the negligence of such appointee in the operation of a vehicle upon the public streets or highways of the municipality or fire district in the discharge of a statutory duty imposed upon such appointee or municipality or fire district, provided the appointee at the time of the accident, injury or damages complained of, was acting in the performance of his or her duties and within the scope of his or her employment.

A police officer of a municipality or a paid firefighter of a municipality or fire district, although excused from official duty at the time, for the purposes of this section, shall be deemed to be acting in the discharge of duty when engaged in the immediate and actual performance of a public duty imposed by law and such public duty performed was for the benefit of all the citizens of the community and the municipality or fire district derived no special benefit in its corporate capacity.

No action or special proceeding instituted pursuant to the provisions of this section or section fifty-b of this article, shall be prosecuted or maintained against the municipality, fire district or appointee, unless notice of claim shall have been made and served in compliance with section fifty-e of this article. Every such action shall be commenced pursuant to the provisions of section fifty-i of this article.

2. The provisions of this section shall not apply to the city of New York.