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Anderson v. Commack Fire District

Court of Appeals of New York - April 20, 2023 - N.E.3d - 2023 WL 3010345 - 2023 N.Y. Slip Op. 02028

Driver commenced action against fire district and volunteer firefighter to recover damages for personal injuries that she sustained when the vehicle she was driving collided with a fire truck that volunteer firefighter, with lights and sirens on, was driving through an intersection on a red light.

The Supreme Court, Suffolk County, granted defendants' motion for summary judgment as to firefighter but denied the motion as to fire district. Fire district appealed. The Supreme Court, Appellate Division, affirmed and granted district leave to appeal.

The Court of Appeals held that the "reckless disregard" standard applicable to privileged actions that the Vehicle and Traffic Law allows emergency vehicles to take applies when a fire district is alleged to be vicariously liable for conduct that is privileged under that provision.

The "reckless disregard" standard applicable to privileged actions that the Vehicle and Traffic Law allows emergency vehicles to take, such as proceeding past red lights when involved in emergency operations, demands more than a showing of a lack of due care under the circumstances—the showing typically associated with ordinary negligence claims; rather, there must be evidence that the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow and has done so with conscious indifference to the outcome.

The "reckless disregard" standard applicable to privileged actions that the Vehicle and Traffic Law allows emergency vehicles to take, such as proceeding past red lights when involved in emergency operations, applies when a fire district is alleged to be vicariously liable for conduct that is privileged under that provision.