S T A T E O F N E W Y O R K

9897

I N A S S E M B L Y

April 20, 2012

Introduced by M. of A. ENGLEBRIGHT, DUPREY, SCHIMEL -- (at request of the Division of Homeland Security and Emergency Services) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to live fire training

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 155-a of the executive law is amended by adding four new subdivisions 6, 7, 8 and 9 to read as follows:

6. "LIVE FIRE" SHALL MEAN ANY UNCONFINED OPEN FLAME OR DEVICE THAT CAN PROPAGATE FIRE TO A BUILDING OR OTHER COMBUSTIBLE MATERIALS.

7. "ACQUIRED STRUCTURE" SHALL MEAN ANY STRUCTURE ACQUIRED FOR THE PURPOSE OF CONDUCTING LIVE FIRE TRAINING EVOLUTIONS.

8. "LIVE FIRE TRAINING EVOLUTION" SHALL MEAN A LIVE FIRE TRAINING ACTIVITY INVOLVING AN ACQUIRED STRUCTURE OR TRAINING CENTER BURN BUILDING; SUCH TERM SHALL NOT INCLUDE THE TRAINING ACTIVITIES OR PRESCRIBED BURNS CONDUCTED BY OR OBSERVED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, PURSUANT TO ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW.

9. "TRAINING CENTER BURN BUILDING" SHALL MEAN A STRUCTURE SPECIFICALLY DESIGNED AND CONSTRUCTED FOR CONDUCTING LIVE FIRE TRAINING EVOLUTIONS ON A REPETITIVE BASIS.

S 2. The executive law is amended by adding a new section 159-a to read as follows:

S 159-A. STANDARDS; LIVE FIRE TRAINING. 1. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, THE OFFICE OF FIRE PREVENTION AND CONTROL SHALL HAVE THE AUTHORITY TO:

(A) ESTABLISH MINIMUM STANDARDS GOVERNING THE USE OF ACQUIRED STRUCTURES DURING LIVE FIRE TRAINING EVOLUTIONS;

(B) ESTABLISH MINIMUM STANDARDS GOVERNING THE MANNER IN WHICH ALL LIVE FIRE TRAINING EVOLUTIONS ARE TO BE CONDUCTED;

(C) ESTABLISH MINIMUM TRAINING REQUIREMENTS WHICH MUST BE MET BY ANY PERSON CONDUCTING, SUPERVISING, OR PARTICIPATING IN A LIVE FIRE TRAINING EVOLUTION; AND

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

LBD14498-01-2

(D) CONDUCT AN INVESTIGATION WHEN A SERIOUS INJURY OR FATALITY OCCURS AS A RESULT OF A LIVE FIRE TRAINING EVOLUTION. THE FOCUS OF THE INVESTIGATION IS TO DETERMINE COMPLIANCE WITH THE STANDARDS SET FORTH PURSUANT TO THIS SECTION.

2. WHENEVER A PERSON IS SERIOUSLY INJURED OR A FATALITY OCCURS DURING A LIVE FIRE TRAINING EVOLUTION, THE CHIEF FIRE OFFICIAL OF THE FIRE DEPARTMENT OR FIRE COMPANY THAT CONDUCTED THE TRAINING SHALL NOTIFY THE OFFICE OF FIRE PREVENTION AND CONTROL AS SOON AS PRACTICABLE AND SUBMIT A WRITTEN REPORT TO THE OFFICE OF FIRE PREVENTION AND CONTROL WITHIN SEVEN DAYS OF SUCH INJURY OR FATALITY.

3. THE STATE FIRE ADMINISTRATOR SHALL ADOPT RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PURPOSE AND PROVISIONS OF THIS SECTION.

S 3. This act shall take effect September 1, 2012; provided, however, that, effective immediately, the office of fire prevention and control is authorized to adopt such rules and regulations which are necessary to implement the provisions of this act on its effective date on or before such date.