

4785

2011-2012 Regular Sessions

I N   S E N A T E

April 25, 2011

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to authorizing volunteer firefighters from other states to provide assistance to fire departments, companies and districts in this state

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

1     Section 1. Subdivisions 1, 1-a and 3 of section 209-i of the general  
2     municipal law, subdivisions 1 and 3 as amended by chapter 967 of the  
3     laws of 1965 and subdivision 1-a as amended by chapter 354 of the laws  
4     of 1999, are amended to read as follows:  
5     1. Whenever a volunteer fireman, WHETHER HE OR SHE IS A RESIDENT OF  
6     THIS STATE OR ANOTHER STATE, is within this state, but outside the area  
7     regularly served by the fire company or fire department of which he OR  
8     SHE is a member and has knowledge of a fire or other emergency at or  
9     near the place where he OR SHE is for the time being, such volunteer  
10    fireman may report to the officer in command of the paid or volunteer  
11    fire company or paid or volunteer fire department, or in command of one  
12    of the paid or volunteer fire companies or one of the paid or volunteer  
13    fire departments, engaged in the handling of any such fire or other  
14    emergency and, on an individual basis, offer his OR HER services to  
15    assist such fire company or fire department. After his OR HER services  
16    are so accepted, the volunteer fireman shall then be entitled to all  
17    powers, rights, privileges and immunities granted by law to volunteer  
18    firemen during the time such services are rendered, in the same manner  
19    and to the same extent as if he OR SHE were a volunteer member of the  
20    fire company or fire department which he OR SHE is assisting, including  
21    benefits under the volunteer firemen's benefit law. Any such commanding  
22    officer shall have power, in his OR HER discretion, to so accept the  
23    services of a volunteer fireman unless the legislative body of the city  
24    or the village, the board of fire commissioners or other governing board

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

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1 of the fire district, or the town board of the town in relation to (a)  
2 the fire companies serving territory outside villages and fire districts  
3 or (b) a town fire department, as the case may be, by resolution hereto-  
4 fore or hereafter adopted, has forbidden the acceptance of any such  
5 services pursuant to this section. Any such resolution shall continue in  
6 effect until amended or repealed by the adoption of a subsequent resol-  
7 ution. The officer in charge of any fire company or fire department  
8 shall be notified promptly of the adoption of any such resolution and of  
9 any amendment or repeal thereof.

10 1-a. A volunteer firefighter WHO IS A RESIDENT OF THIS STATE OR ANOTH-  
11 ER STATE AND who, because of his OR HER residence or usual occupation,  
12 is regularly in the area served by a volunteer fire company or depart-  
13 ment of which he OR SHE is not a member may nevertheless volunteer his  
14 OR HER services on an on-going basis to the officer in command thereof  
15 to assist such fire company or fire department for the purpose of  
16 assisting such company or department's general or emergency ambulance  
17 services, or for the purpose of assisting such fire company or fire  
18 department at a fire or other emergency scene or for the purpose of  
19 training with such fire company or fire department. After his OR HER  
20 services are so accepted, the volunteer firefighter shall then be enti-  
21 tled to all powers, rights, privileges and immunities granted by law to  
22 volunteer firefighters during the time such services are rendered, in  
23 the same manner and to the same extent as if he OR SHE were a volunteer  
24 member of the fire company or fire department which he OR SHE is assist-  
25 ing, including benefits under the volunteer firefighters' benefit law.  
26 Any such commanding officer when authorized by the legislative body of  
27 the city or the village, the board of fire commissioners or other  
28 governing board of the fire district, or the town board of the town in  
29 relation to (a) the fire companies serving territory outside villages  
30 and fire districts or (b) a town fire department, as the case may be,  
31 shall have power, in his discretion, to so accept the services of a  
32 volunteer firefighter.

33 3. As used in this section, the term "volunteer fireman" means a  
34 "volunteer fireman" as such term is defined in section three of the  
35 volunteer firemen's benefit law OR AS SUCH TERM IS DEFINED IN THE STATE  
36 IN WHICH THE VOLUNTEER FIREMAN RESIDES; the term "area regularly served"  
37 means the home area of the volunteer fireman as described in subdivi-  
38 sions one, two, three, four or five of section thirty of the volunteer  
39 firemen's benefit law and, in addition, any other area served pursuant  
40 to a contract for fire protection, OR THE STATE IN WHICH THE VOLUNTEER  
41 FIREMAN RESIDES, and the terms "fire company" and "fire department"  
42 shall include emergency rescue and first aid squads or other squads or  
43 units of a fire company or fire department.

44 S 2. This act shall take effect immediately.