

10172

I N A S S E M B L Y

May 10, 2012

Introduced by M. of A. GABRYSZAK -- read once and referred to the
Committee on Local Governments

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 ASSEM-
BLY, 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
25 of the fire district, or the town board of the town in relation to (a)
26 the fire companies serving territory outside villages and fire districts
27 or (b) a town fire department, as the case may be, by resolution hereto-

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

LBD09144-01-1

1 fore or hereafter adopted, has forbidden the acceptance of any such
2 services pursuant to this section. Any such resolution shall continue in
3 effect until amended or repealed by the adoption of a subsequent resolu-
4 tion. The officer in charge of any fire company or fire department
5 shall be notified promptly of the adoption of any such resolution and of
6 any amendment or repeal thereof.

7 1-a. A volunteer firefighter WHO IS A RESIDENT OF THIS STATE OR ANOTH-
8 ER STATE AND who, because of his OR HER residence or usual occupation,
9 is regularly in the area served by a volunteer fire company or depart-
10 ment of which he OR SHE is not a member may nevertheless volunteer his
11 OR HER services on an on-going basis to the officer in command thereof
12 to assist such fire company or fire department for the purpose of
13 assisting such company or department's general or emergency ambulance
14 services, or for the purpose of assisting such fire company or fire
15 department at a fire or other emergency scene or for the purpose of
16 training with such fire company or fire department. After his OR HER
17 services are so accepted, the volunteer firefighter shall then be enti-
18 tled to all powers, rights, privileges and immunities granted by law to
19 volunteer firefighters during the time such services are rendered, in
20 the same manner and to the same extent as if he OR SHE were a volunteer
21 member of the fire company or fire department which he OR SHE is assist-
22 ing, including benefits under the volunteer firefighters' benefit law.
23 Any such commanding officer when authorized by the legislative body of
24 the city or the village, the board of fire commissioners or other
25 governing board of the fire district, or the town board of the town in
26 relation to (a) the fire companies serving territory outside villages
27 and fire districts or (b) a town fire department, as the case may be,
28 shall have power, in his discretion, to so accept the services of a
29 volunteer firefighter.

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

41 S 2. This act shall take effect immediately.