

# STATE OF NEW YORK

10577

## IN SENATE

May 26, 2026

Introduced by Sen. WEBER -- 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, the volunteer firefighters' benefit law and the town law, in relation to providing pay per call and paid on call stipends for volunteer firefighters and travel expense reimbursement for call response

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new  
2 section 200-aaa to read as follows:

3 § 200-aaa. Pay per call and paid on call nominal compensation  
4 (stipends) for volunteer firefighters. 1. For purposes of this section:

5 (a) "fire department" and "fire company" shall have the meanings as  
6 defined in section three of the volunteer firefighters' benefit law;

7 (b) "pay per call compensation (stipend)" means payment of a nominal  
8 fee to a volunteer firefighter of a stipend for response to an emergency  
9 call of their fire department or fire company as defined in the local  
10 rules and regulations established for the program;

11 (c) "paid on call compensation (stipend)" means a payment of a nominal  
12 fee to a volunteer firefighter for participating in a standby activity  
13 as defined in the local rules and regulations established for the  
14 program;

15 (d) "volunteer firefighter" shall have the same meaning as defined in  
16 section three of the volunteer firefighters' benefit law. An active  
17 volunteer firefighter may participate in a pay per call and paid on call  
18 stipend program adopted under this statute and such participation shall  
19 not cause that volunteer firefighter or call firefighter to be consid-  
20 ered a paid firefighter as that term is used in section one hundred  
21 seventy-six of the town law or any other statute;

22 (e) "call firefighter" means a volunteer firefighter participating in  
23 a pay per call and paid on call compensation (stipend) program. Such  
24 participation shall not change such firefighter's volunteer status; and

25 (f) "authority having jurisdiction" mean the governing board of a  
26 city, town, village or fire district which maintains a volunteer fire

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

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1 department or volunteer fire company or which contracts with a volunteer  
2 fire department or fire company to receive fire protection and related  
3 emergency services outside of a fire district.

4 2. The authority having jurisdiction over a volunteer fire department  
5 or fire company in a county, city, town, village, fire district, fire  
6 protection district, any other entity that operates a volunteer fire  
7 department or company, an independent volunteer fire company, or an  
8 independent fire company that operates as a fire corporation may elect  
9 to permit active volunteer firefighters to serve as call firefighters  
10 such that they may receive a stipend each time such call firefighter  
11 responds to an emergency call of their fire department or fire company  
12 and/ or provides certain standby services.

13 3. A pay per call and/or paid on call compensation (stipend) program  
14 for volunteer firefighters of a fire department or fire company may be  
15 approved by the authority having jurisdiction over a volunteer fire  
16 department or fire company in a county, city, town, village, fire  
17 district, fire protection district, any other entity that operates a  
18 volunteer fire department or company, an independent volunteer fire  
19 company, or an independent fire company that operates as a fire corpo-  
20 ration by local law, ordinance or resolution setting basic rules for the  
21 program and the program may later be discontinued by that entity by  
22 local law, ordinance or resolution if it determines that the program no  
23 longer is in the best interests of the community served. Only the  
24 authority having jurisdiction may authorize the expenditure of its oper-  
25 ating funds on such program. A volunteer fire department or company, an  
26 independent volunteer fire company, or an independent fire company that  
27 operates as a fire corporation may authorize the expenditure of depart-  
28 ment, company or corporate funds on the program with the consent of the  
29 authority having jurisdiction. A volunteer firefighter may only receive  
30 compensation or be paid one stipend per activity.

31 4. The amount of such pay per call compensation (stipends) shall be  
32 set by the entity that has authorized the program. Total compensation  
33 (stipend) shall remain truly nominal and should not exceed twenty  
34 percent of the amount paid by a public agency providing similar services  
35 in your area, as permitted under the Fair Labor Standards Act to retain  
36 volunteer status. The entity that has authorized, established, and  
37 agreed to have its funds expended on the program shall be required to  
38 fund the program and maintain the financial documentation for the  
39 program.

40 5. Volunteer firefighters may waive their right to participate in a  
41 pay per call and paid on call compensation (stipend) program created for  
42 their fire department or fire company and may respond to emergency calls  
43 without receiving any stipend payments. Volunteer firefighters wishing  
44 to waive their right to participate in the program shall file a written  
45 waiver with the authority managing the program on the form it creates  
46 for that purpose. Failure to register for the program if registration is  
47 required shall also serve as a waiver.

48 6. Volunteer firefighters receiving pay per call and paid on call  
49 stipends must meet all criteria and requirements necessary to be an  
50 active volunteer firefighter. They shall meet all entry level and peri-  
51 odic physical examination requirements set by the authority having  
52 jurisdiction over the fire department or fire company and approved by  
53 its physician to permit volunteer firefighters to respond to emergency  
54 calls and render assistance at emergency calls. They shall meet all  
55 training requirements for volunteer firefighters established by the  
56 office of fire prevention and control best practices initiative, the

1 department of health (relative to rendering emergency medical services)  
2 and the local authority having jurisdiction over the fire department or  
3 fire company. They shall meet attendance requirements set by the local  
4 authority having jurisdiction over the fire department or fire company.

5 7. The local authority having jurisdiction over the fire department or  
6 fire company may set rules and regulations to govern its pay per call  
7 and paid on call stipend program and may deny payments to personnel who  
8 do not meet those requirements.

9 8. Eligible personnel will be active members, who are adequately  
10 trained and qualified to rapidly respond to all types of emergency  
11 calls. No compensation (stipends) shall be paid to personnel who do not  
12 respond to emergency calls on apparatus, ambulances, and vehicles to the  
13 scene of these emergency calls and meet all the minimum qualifications  
14 set forth, based upon rules set for emergency responses by the authority  
15 having jurisdiction.

16 9. Volunteer firefighters receiving pay per call and paid on call  
17 compensation (stipends) shall be permitted to earn points and receive  
18 payments under a service award program adopted for their fire department  
19 or fire company under article eleven-A of this chapter.

20 10. Any pay per call or paid on call compensation (stipend) received  
21 by a volunteer firefighter under this section shall not be deemed remun-  
22 eration or gratuity under the volunteer firefighters' benefit law or any  
23 other provision of law and shall not interfere with or impact the volun-  
24 teer status of volunteer firefighters under the volunteer firefighters'  
25 benefit law or any other provision of law.

26 § 2. Subdivision 3 of section 3 of the volunteer firefighters' benefit  
27 law, as amended by section 1 of part H of chapter 55 of the laws of  
28 2023, is amended to read as follows:

29 3. "Line of duty" means the performance by a volunteer firefighter as  
30 a volunteer firefighter of the duties and activities described in subdi-  
31 vision one of section five of this chapter and the same such duties and  
32 activities performed for a specialized team established pursuant to the  
33 provisions of section two hundred nine-bb of the general municipal law  
34 for which the volunteer firefighter does not receive any remuneration or  
35 a gratuity and shall be deemed to include any date of injury as deter-  
36 mined by the workers' compensation board pursuant to the provisions of  
37 section forty-one of this chapter. The following shall not be deemed to  
38 be remuneration or a gratuity: receipt of a training stipend as outlined  
39 in section two hundred-aa of the general municipal law; receipt of a pay  
40 per call and/or paid on call compensation (stipend) as outlined in  
41 section two hundred-aaa of the general municipal law; reimbursement of  
42 expenses for meals, lodging and actual and necessary travel; the receipt  
43 of a mileage allowance in lieu of travel expense; reimbursement of  
44 expenses for registration and tuition fees payable under section seven-  
45 ty-two-g of the general municipal law, and the acceptance of transporta-  
46 tion, food, drink, shelter, clothing and similar items while on duty or  
47 engaged in such activities.

48 § 3. Paragraph c of subdivision 1 of section 205-g of the general  
49 municipal law, as amended by section 3 of part H of chapter 55 of the  
50 laws of 2023, is amended to read as follows:

51 c. "Line of duty" means the performance by a volunteer firefighter of  
52 the duties and activities described in subdivision one of section five  
53 of the volunteer firefighters' benefit law and the same such duties and  
54 activities performed for a specialized team established pursuant to the  
55 provisions of section two hundred nine-bb of this article for which the  
56 volunteer firefighter does not receive any remuneration or a gratuity

1 and shall be deemed to include any date of injury as determined by the  
2 workers' compensation board pursuant to the provisions of section  
3 forty-one of the volunteer firefighters' benefit law. The following  
4 shall not be deemed to be remuneration or a gratuity: reimbursement of  
5 expenses for meals, lodging and actual and necessary travel; the receipt  
6 of a mileage allowance in lieu of travel expense; reimbursement of  
7 expenses for registration and tuition fees payable under section seven-  
8 ty-two-g of this chapter, the acceptance of transportation, food, drink,  
9 shelter, clothing and similar items while on duty or engaged in such  
10 activities; and receipt of a training stipend as outlined in section two  
11 hundred-aa of this article; and receipt of a pay per call and/or paid on  
12 call compensation (stipend) as outlined in section two hundred-aaa of  
13 the general municipal law.

14 § 4. The section heading of section 72-g of the general municipal law,  
15 as amended by chapter 236 of the laws of 2006, is amended and a new  
16 subdivision 4 is added to read as follows:

17 Expenses of volunteer firefighters attending training schools and  
18 instruction courses, and reimbursement for travel expenses incurred in  
19 response to emergency calls.

20 4. The governing board of a city, town, village or fire district may,  
21 by local law, ordinance or resolution authorize volunteer firefighters  
22 serving a fire department or fire company under their control to be  
23 permitted to receive reimbursement for travel expenses related to  
24 responding to emergency calls of said department or company and may fund  
25 the cost of such reimbursement. Such volunteer firefighters may be paid  
26 a reasonable mileage allowance for each mile actually and necessarily  
27 traveled by the volunteer firefighter in attending such emergency call  
28 of their fire department. Such mileage allowance shall not exceed the  
29 standard travel allowance for mileage adopted or prescribed for federal  
30 income tax purposes. Any claim for such expenses or reimbursement shall  
31 have endorsed thereon, or attached thereto, a statement by the chief  
32 officer of the fire department that the attendance of such volunteer at  
33 said emergency call was verified and that the volunteer responded to the  
34 scene of the emergency in accordance with the rules of the department or  
35 company. In the alternative the reimbursement program may provide a  
36 gasoline gift card valued at the cost of the fuel that would have been  
37 used for such emergency responses.

38 § 5. Subdivision 18 of section 176 of the town law is amended by  
39 adding a new paragraph 18 to read as follows:

40 (18) the cost of providing a pay per call or paid on call stipend  
41 program for volunteer firefighters of the fire department and fire  
42 companies of the fire district pursuant to section two hundred-aaa of  
43 the general municipal law and the cost of providing travel expense  
44 reimbursements for volunteer firefighters responding to emergency calls  
45 pursuant to section seventy-two-g of the general municipal law.

46 § 6. This act shall take effect on the one hundred twentieth day after  
47 it shall have become a law.