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:

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

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

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

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

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

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

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

(f) "authority having jurisdiction" mean the governing board of a 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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department or volunteer fire company or which contracts with a volunteer fire department or fire company to receive fire protection and related emergency services outside of a fire district.

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

3. A pay per call and/or paid on call compensation (stipend) program for volunteer firefighters of a fire department or fire company may be approved by the authority having jurisdiction over a volunteer fire department or fire company in a county, city, town, village, fire district, fire protection district, any other entity that operates a volunteer fire department or company, an independent volunteer fire company, or an independent fire company that operates as a fire corporation by local law, ordinance or resolution setting basic rules for the program and the program may later be discontinued by that entity by local law, ordinance or resolution if it determines that the program no longer is in the best interests of the community served. Only the authority having jurisdiction may authorize the expenditure of its operating funds on such program. A volunteer fire department or company, an independent volunteer fire company, or an independent fire company that operates as a fire corporation may authorize the expenditure of department, company or corporate funds on the program with the consent of the authority having jurisdiction. A volunteer firefighter may only receive compensation or be paid one stipend per activity.

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

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

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

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

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

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

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

10. Any pay per call or paid on call compensation (stipend) received by a volunteer firefighter under this section shall not be deemed remuneration or gratuity under the volunteer firefighters' benefit law or any other provision of law and shall not interfere with or impact the volunteer status of volunteer firefighters under the volunteer firefighters' benefit law or any other provision of law.

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

3. "Line of duty" means the performance by a volunteer firefighter as a volunteer firefighter of the duties and activities described in subdivision one of section five of this chapter and the same such duties and activities performed for a specialized team established pursuant to the provisions of section two hundred nine-bb of the general municipal law for which the volunteer firefighter does not receive any remuneration or a gratuity and shall be deemed to include any date of injury as determined by the workers' compensation board pursuant to the provisions of section forty-one of this chapter. The following shall not be deemed to be remuneration or a gratuity: receipt of a training stipend as outlined in section two hundred-aa of the general municipal law; receipt of a pay per call and/or paid on call compensation (stipend) as outlined in section two hundred-aaa of the general municipal law; reimbursement of expenses for meals, lodging and actual and necessary travel; the receipt of a mileage allowance in lieu of travel expense; reimbursement of expenses for registration and tuition fees payable under section seventy-two-g of the general municipal law, and the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty or engaged in such activities.

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

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

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

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

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

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

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

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

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