§ 200. Defining qualifications of exempt volunteer firefighters. An exempt volunteer firefighter is hereby declared to be a person who as a member of a volunteer fire company duly organized under the laws of the state of New York shall have at any time after attaining the age of eighteen years faithfully actually performed service in the protection of life and property from fire within the territory immediately protected by the company of which he or she is a member, and while a bona fide resident therein, for a period of five years, as provided in this article, or, if such company shall have been sooner disbanded upon the organization of a paid fire department, for a period of at least one year and shall also have been a member of such volunteer fire company at the time it shall have been disbanded; but the limitation of one year's service shall not apply to a volunteer firefighter who was a member of a fire company which was disbanded prior to January first, nineteen hundred two. The foregoing residence requirements shall not apply (1) to a volunteer firefighter who has been duly elected to membership in his or her fire company as a non-resident member residing in territory which is afforded fire protection by his or her fire company pursuant to a contract for fire protection, as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivisions two and three of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law, (2) to a volunteer firefighter whose membership has been duly continued in his or her fire company as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision five of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law and (3) to a volunteer firefighter who has been duly elected to membership as a non-resident as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision six of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law. The foregoing requirement of five years' service shall not apply to a volunteer firefighter serving as such at the time of his or her entry into the military service of the United States or of one of its allies in world war II, or during the

period of hostilities as defined in subparagraph three or subparagraph four of paragraph (c) of subdivision one of section eighty-five of the civil service law, who, as a result of such military service, shall have become incapacitated for performing the full duties of a volunteer firefighter, or to a volunteer firefighter who, as the result of the performance of his or her duties as such, shall have become likewise incapacitated, but any such volunteer firefighter shall be an exempt volunteer firefighter even though he or she may have served as such for a lesser period than five years, and he or she shall be entitled to a certificate as provided in section two hundred two of this article which, in addition to the specifications contained in said section, shall set forth the facts in reference to his or her military service, if any, as aforesaid and that as a result of such military service, or as the result of service as a volunteer firefighter, he or she was incapacitated for performing the full duties of a volunteer firefighter. The term "military service" as used in this section shall mean the same as the term "military duty" as used in section two hundred forty-three of the military law, except that it shall relate to service for an ally of the United States in world war II as well as to service for the United States.