§ 205. Payments to injured or representatives of deceased volunteer firefighters. 1. If an active member of a volunteer fire company in any city, incorporated village or in any fire district of a town outside of an incorporated village or in any part of a town protected by a volunteer fire company incorporated under the provisions of the membership corporations law, or if an active member of any duly organized volunteer fire company, dies from injuries incurred while in the performance of his or her duties as such firefighter or as a member of a fire department emergency relief squad, a fire police squad or a fire patrol within one year thereafter, the city, village, fire district or town which is responsible as provided in subdivision four of this section shall pay as follows:

a. If such volunteer firefighter is a member of a volunteer fire company located in any city in which a pension fund is maintained, the relatives of such volunteer firefighter shall be entitled to a pension in the same manner and at the same rates as if he or she were a member of the paid fire department of such city.

b. If in any other place the sum of three thousand dollars shall be paid to the widow or widower of such deceased volunteer firefighter or to the executor or administrator of his or her estate if he or she is not survived by a widow or widower. In addition there shall be paid to the widow or widower of such volunteer firefighter for the benefit of such child or children the sum of twenty-five dollars a month for each surviving child, including a posthumous child, of such deceased firefighter under the age of eighteen years, but not more than a total of fifty dollars a month for all such children, or if the decedent be not survived by a widow or widower, or if he or she dies before the payments cease, then such payments for a child or children shall be made to their guardian or to relatives with whom they are living for their benefit.

2. Any such volunteer firefighter who shall become permanently incapacitated for performing the full duties of a volunteer firefighter by reason of disease or disability caused or induced by actual performance of the duties of his or her position, without fault or

misconduct on his or her part, shall

a. If a member of a volunteer fire company located in any city in which a pension fund is maintained, be paid a pension in the same manner and at the same rate as if he or she were a member of the paid fire department of such city.

b. If a member of a volunteer fire company in any other place, be paid one-half the amount which would have been payable in case of death to his or her executor or administrator under the provisions of subdivision one of this section;

Provided, however, that if such volunteer firefighter shall at the expiration of the disability payments provided for in subdivision three of this section be totally incapacitated to engage in any occupation for remuneration or profit by reason of disease or disability caused by actual performance of the duties of his or her position, without fault or misconduct on his or her part, he or she shall be paid the sum of fifteen dollars per week during the period thereafter that such total incapacity shall continue and, in addition thereto, during such period there shall be paid to him or her for the benefit of his or her child or children the sum of twelve dollars fifty cents a month for each child under the age of eighteen years, but not more than a total of twenty-five dollars a month for all such children, but no payment on account of a child shall continue after such child shall have attained the age of eighteen years. In the event payments to a volunteer firefighter and his or her children on account of total incapacity, as heretofore in this subdivision provided, shall not have amounted to the sum to which he or she would otherwise have been entitled on account of permanent incapacity for performing the full duties of a volunteer firefighter and he or she shall be found to have recovered to such extent that he or she is no longer totally incapacitated but is still permanently incapacitated for performing the full duties of a volunteer firefighter, there shall be paid to him or her the difference between the payments already made to him or her for his or her own account and for the account of his or her children and the amount to which he or she would be entitled under this subdivision on account of permanent

incapacity for performing the full duties of a volunteer firefighter. The authorities having jurisdiction to audit the claim of any volunteer firefighter claiming total disability benefits under this subdivision shall have the right to cause such injured volunteer firefighter to be examined from time to time at reasonable intervals by the municipal health authorities or any physician appointed by them for that purpose to determine whether total disability continues and, in case a volunteer firefighter receiving total disability benefits hereunder shall refuse to permit any such examination to be made, such authorities shall be authorized to discontinue the payment of benefits to him or her until such examination is allowed.

3. Any such volunteer firefighter who shall receive injuries while performing his or her duties as such, while in the fire house, while going to or returning from a fire by any means of travel, transportation, or conveyance whatever, or while working at the fire or answering a call or fire alarm or while officially engaged in testing or inspecting the apparatus, or equipment, or while engaged as a member of a fire department, or fire company, emergency relief squad or fire police squad, or fire patrol or while attending a fire school, or while instructing or being instructed in fire duties or while attending any drill or parade or inspection in which his or her company or department is engaged, or while engaged in emergency work not related to fire extinguishment or prevention or going to or returning therefrom when duly authorized to participate therein, so as to necessitate medical or other lawful remedial treatment or prevent him or her from following his or her usual vocation on account thereof, shall be reimbursed for such sums as are actually and necessarily paid for medical or other lawful remedial treatment, not exceeding five hundred dollars. He or she shall also be compensated for the time he or she was actually and necessarily prevented from following his or her vocation or for the time of his or her disability on account of such injuries, at the rate of thirty-six dollars per week not to exceed one thousand eight hundred dollars.

Notice of an injury or death for which benefits are payable under this section shall be given to the municipal corporation or fire district responsible for the payment thereof within thirty days after receiving

such injury, and also in case of the death of the volunteer firefighter resulting from such injury within thirty days after such death. Such notice may be given by any person claiming to be entitled to such benefits or by someone in his or her behalf. The notice shall be in writing, shall contain the name and address of the volunteer firefighter, and state in ordinary language the time, place, nature and cause of the injury and shall be signed by him or her or by a person on his or her behalf or, in case of death, by any one or more of his or her dependents, or by a person on their behalf. The notice shall be given to the comptroller or chief financial officer of the city, the clerk of the village, the secretary of the fire district, or the town clerk of the town, as the case may be, by delivering it to such officer or by registered letter properly addressed to such officer. The failure to give notice of injury or notice of death shall be a bar to any claim under this section. Failure to give notice of such injury or death within such thirty day period may be excused by the county judge who would have jurisdiction of a controversy under this section, upon petition and notice in the manner provided in subdivision five of this section, either upon the ground that for some sufficient reason the notice had not been given, or that any member of a body in charge of, or any officer of the fire department or fire company had knowledge within such thirty day period, of the injuries or death, or that the municipal corporation or fire district has not been prejudiced by a delay in giving such notice.

Any such volunteer firefighter who shall receive injuries as aforesaid shall, when certified by the chief or other executive officer of the fire department or by the appropriate administrative officers under whom he or she serves, be received by any public, private, or semi-private hospital for care and treatment at the usual ward or semi-private patient rates, including charges at the prevailing ward or semi-private patient rates for necessary nursing, laboratory tests, x-ray examinations and physical therapy, or, in case any such hospital has a contract with the municipality served by such volunteer firefighter, then at the rates specified in such contract.

Within two years after receiving the injury, or if death results

therefrom within two years after such death, a claim for the benefits under this section shall be filed with the same officer to whom a notice of an injury must be given, as aforesaid. The claim shall be in substantially the same form and shall give substantially the same information as is required to be given in a claim under the provisions of section twenty-eight of the workers' compensation law. Notwithstanding the provisions of any other law, any such claim need not be sworn to, verified or acknowledged.

Payments of weekly benefits under this section shall commence within fifteen days after the filing of such claim, and payments of lump sum, and monthly, death benefits under this section shall be made or commenced within thirty days after such filing. In the event of a failure to make such payments within any such period or to continue the same for the time required therefor, a controversy shall be presumed to have arisen and a proceeding may thereupon be instituted pursuant to subdivision five of this section to compel such payment.

4. In cities any benefit under this section shall be a city charge and any claim therefor shall be audited and paid in the same manner as other city charges, except that no part of the moneys payable under this section shall be paid from the pension funds of the said departments therein. In villages any such benefit shall be a village charge and any claim therefor shall be audited and paid in the same manner as other village charges, and shall be assessed upon the property liable to taxation in said village, and levied and collected in the same manner as village taxes. In fire districts any such benefit shall be a fire district charge and any claim therefor shall be audited and paid in the same manner as other fire district charges, and shall be assessed upon the property in such fire districts liable to taxation, and levied and collected in the same manner as fire district taxes. If such firefighter was a member of a town fire company or fire department or a member of a fire company incorporated under the membership corporations law, located outside of a city, village or fire district, any such benefit shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and shall be assessed upon the property liable to taxation in the territory protected by such fire company and levied and

collected in the same manner as town charges therein. If such firefighter was a member of a fire company or fire department operating in, or maintained jointly by two or more villages, or two or more towns, or two or more fire districts, any such benefit shall be a charge against the village, town or fire district, in which the fire occurred. If such injury occur while assistance is being rendered to a neighboring city, town, village, fire district, fire protection district (including a fire protection district served by the company or department of which such firefighter is a member), fire alarm district, or territory outside any such district upon the call of such city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, or while going to or returning from the place from whence such call came, or death shall result from any such injury, any such benefit shall be a charge against such neighboring city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, so issuing the call for assistance and after audit shall be paid and assessed upon the property liable to taxation in such neighboring city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, and levied and collected in the same manner as other charges against the same are levied and collected.

Any city, village, fire district or town may finance the payment of any benefits payable under the provisions of this section by the issuance of serial bonds or capital notes pursuant to the local finance law unless it is required by some other law to pay such benefits from current funds.

Any such city, village, fire district or the town board acting for and on behalf of any fire protection district, fire alarm district or territory outside any such district, may contract for insurance indemnifying against the liability imposed by this section, provided further that such contract of insurance shall also indemnify against the liability imposed by the workers' compensation law in relation to injuries or death of volunteer firefighter, and the cost of such insurance shall be paid and provided in the same manner as benefits are required to be paid and provided in this section.

If any claim under this section is one for which an insurance company might be liable, or if it is a claim for which a mutual self-insurance plan under subdivision three-a of section fifty of the workers' compensation law might be liable, the officer to whom a notice of injury is required to be delivered or mailed and with whom a claim is required to be filed under the provisions of this section shall send a copy of any such notice or claim and a copy of any notice of a proceeding relating to an injury or claim to such insurance company or plan, as the case may be, promptly after receiving the same.

Any money paid to an executor or administrator under any of the provisions of this section shall be distributed in the manner provided by law for the distribution of personal property, and all money paid under this section shall be exempt from any process for the collection of debts either against the volunteer firefighter or any beneficiary to whom the same is paid under the provisions of this section.

No release from the liability imposed by this section shall be valid if it shall appear that the person executing such release has not received the full amount to which he or she is entitled under the provisions of this section.

The words "injury" and "injuries", as used in this section, include any disablement of a volunteer firefighter as the direct result of the performance of his or her duties.

If for the purpose of obtaining any benefit or payment under the provisions of this section, or for the purpose of influencing any determination regarding any benefit or payment under the provisions of this section, either for himself or herself or for any other person, any person willfully makes a false statement or representation, he or she shall be guilty of a misdemeanor.

The provisions of this section relating to giving notice of injury and filing claim, and to the contents of any such notice or claim, shall be construed liberally in order to effectuate the objects and purposes of

this section.

5. Any controversy arising at any time under the provisions of this section shall be determined by the county judge of any county in which the city, village, fire district, or town, which would be responsible for payments under this section, is located. For that purpose, any party may present a petition to such county judge, setting forth the facts and rights which are claimed. A copy of such petition and notice of the time and place when the same will be presented shall be served on all persons interested therein, at least eight days prior to such presentation.

6. The provisions of this section shall not apply to volunteer firefighters killed or injured on or after the first day of March, nineteen hundred fifty-seven, or who die from the effects of injuries received on or after such date.