§ 209-i. Emergency service by volunteer firefighters. 1. Whenever a volunteer firefighter is within this state, but outside the area regularly served by the fire company or fire department of which he or she is a member and has knowledge of a fire or other emergency at or near the place where he or she is for the time being, such volunteer firefighter may report to the officer in command of the paid or volunteer fire company or paid or volunteer fire department, or in command of one of the paid or volunteer fire companies or one of the paid or volunteer fire departments, engaged in the handling of any such fire or other emergency and, on an individual basis, offer his or her services to assist such fire company or fire department. After his or her services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he or she were a volunteer member of the fire company or fire department which he or she is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer shall have power, in his or her discretion, to so accept the services of a volunteer firefighter unless the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, by resolution heretofore or hereafter adopted, has forbidden the acceptance of any such services pursuant to this section. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire company or fire department shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof.

1-a. A volunteer firefighter who, because of his residence or usual occupation, is regularly in the area served by a volunteer fire company or department of which he is not a member may nevertheless volunteer his services on an on-going basis to the officer in command thereof to assist such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or

for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department. After his services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he were a volunteer member of the fire company or fire department which he is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer when authorized by the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, shall have power, in his discretion, to so accept the services of a volunteer firefighter.

1-b. In the event that an active volunteer firefighter provides services under subdivision one of this section when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the volunteer firefighters' benefit law provided the fire company or municipality the volunteer serves adopts a resolution granting coverage for the provision of such services. Upon arrival of a jurisdictional officer in command, such volunteer shall be entitled to benefits in the manner set forth in subdivision one of this section.

1-c. A member of a fire company or department of another state who is regularly in an area served by a volunteer fire company or fire department may volunteer their services on an on-going basis to such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department, provided that such company or department is authorized to accept such services by the governing body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the

fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be. Upon application by an out-of-state firefighter, a fire company or fire department shall determine whether such out-of-state firefighter meets state and local requirements for active members of their company or department, including, but not limited to, compliance with a background check pursuant to section eight hundred thirty-seven-o of the executive law, and whether such out-of-state firefighter is in good standing with the fire company or department in which they normally serve. If a volunteer fire company or fire department accepts the services of such an out-of-state firefighter, such firefighter shall be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if such firefighter were a volunteer member of the fire company or fire department being assisted, including benefits under the volunteer firefighters' benefit law, provided, however, such firefighter shall not be eligible to participate in a service award program as authorized by articles eleven-A and eleven-AAAA of this chapter nor shall such firefighter be eligible for coverage under section eleven-c of the volunteer firefighters' benefit law relating to diseases of the lung and section sixty-one of the volunteer firefighters' benefit law relating to disease or malfunction of heart or coronary arteries and any other presumptive coverage for impairment of health or death. Upon acceptance of such out-of-state firefighter to a fire company or fire department, such company or department shall provide to the applicant, and the applicant shall acknowledge receipt of, the following written statement: "If a volunteer fire company or fire department accepts the services of a firefighter who is a member of a fire department or a company of another state, such firefighter shall be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if such firefighter were a volunteer member of the fire company or fire department being assisted, including benefits under the volunteer firefighters' benefit law, provided, however, such firefighter shall not be eligible to participate in a service award program as authorized by articles 11-A and 11-AAAA of the general municipal law, nor shall such

firefighters be eligible for coverage under section eleven-c of the volunteer firefighters' benefit law, relating to diseases of the lung, and section 61 of the volunteer firefighters' benefit law, relating to disease or malfunction of heart or coronary arteries, and any other presumptive coverage for impairment of health or death."

2. The municipal corporation or fire district which would be liable for the negligence of any volunteer members of the fire company or fire department which has accepted the services of the volunteer firefighter pursuant to this section shall be liable for the negligence of such volunteer firefighter while acting, after such acceptance and during the time such services were rendered, in the discharge of his or her duties as a volunteer firefighter in the same manner and to the same extent as if he or she were a volunteer member of the fire company or fire department which he or she assisted. If the fire company or fire department which has so accepted the services of a volunteer firefighter pursuant to this section is a paid fire company or paid fire department, such paid fire company or paid fire department shall, for the purposes of this subdivision and section two hundred five-b of this article, be deemed to be a "duly organized volunteer fire company" within the meaning of such section two hundred five-b.

3. As used in this section, the term "volunteer firefighter" means a "volunteer firefighter" as such term is defined in section three of the volunteer firefighters' benefit law; the term "area regularly served" means the home area of the volunteer firefighter as described in subdivisions one, two, three, four or five of section thirty of the volunteer firefighters' benefit law and, in addition, any other area served pursuant to a contract for fire protection and the terms "fire company" and "fire department" shall include emergency rescue and first aid squads or other squads or units of a fire company or fire department.