



NEW YORK STATE SENATOR

William T. Stachowski

State Senator William Stachowski and Senator Brian Foley Announce Passage of Crucial Legislation That Protects Firefighters

WILLIAM T. STACHOWSKI May 22, 2009

| COMMITTEE: **COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS**

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STATE SENATOR WILLIAM STACHOWSKI AND SENATOR BRIAN FOLEY ANNOUNCE PASSAGE OF CRUCIAL LEGISLATION THAT PROTECTS FIREFIGHTERS

On the eve of Memorial Day, legislation will give firefighters legal protection when operating fire trucks

The New York State Senate on Wednesday, May 20th, unanimously passed legislation protecting firefighters from legal liability when operating fire trucks. The legislation closes a dubious loophole in state law that puts firefighters in legal jeopardy on a consistent basis.

Prior to this legislation, sponsored by State Senator Brian X. Foley and co-sponsored by Senator William Stachowski (D58th) (S1624-C), the law made it illegal for anyone to operate a fire truck without a Commercial Driver's License (CDL). While there was an amendment put

in place which exempted firefighters when responding to emergency calls, it did not cover firefighters from liability in any other scenarios such as driving the truck back to the firehouse after an emergency, participating in a parade, taking part in training drills, etc. For all intents and purposes, any firefighter without a CDL was in violation of the law and therefore open to legal liability.

“It is essential that we protect our firefighters from liability,” said Senator Stachowski. “Our firefighters save lives each and every day while operating under the most critical and time sensitive conditions. Thanks to this legislation, a potential liability crisis has been avoided for both volunteer and career firefighters working without a CDL to better our communities.”

“This is a very important issue with the Volunteer Firefighters in the State of New York,” said Deputy Commissioner of Erie County Division of Fire Safety Jim McCullough. “Even though this law was on the books from 2005, the fire service never knew about it until recently. Every fire department across the state was alarmed because it sounded insane to be able to drive the fire truck to a call, but not be able to drive it back to the fire department. Now, with the Senators passing the revised law, we in fire service can return to our normal duties of serving the public,” added McCullough.

“Thanks to the leadership of Senator Bill Stachowski and Mark Schroeder in the Assembly, this issue was brought to the front burner in Albany and resolved in favor of our dedicated volunteer firefighters,” said Erie County Legislator Tim Wroblewski.

Prior to Foley’s and Stachowski’s legislation, the only way for a firefighter operating a fire truck to insure he or she would not be open to prosecution or a law suit (in case of an accident) was by obtaining a Commercial Driver’s License (CDL). However, CDL’s are difficult to obtain and often unaffordable for firefighters who are not getting paid for their services. Since firefighters in New York are often volunteers, it is unreasonable and unfair to expect them to obtain expensive Commercial Licenses.

The timely passage of this bill – which has also passed in the Assembly (Sweeney – A6051A) and is expected to be signed by the Governor this week – ensures that Memorial Day parades throughout the state this weekend will feature the beautiful fire trucks that have become a staple of these parades.