



NEW YORK STATE SENATOR

Malcolm Smith

Senate Majority Leader Smith and Senator Brian X. Foley Announce Passage of Crucial Legislation Benefitting Firefighters

MALCOLM A. SMITH May 20, 2009

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

(Albany, NY) Today, the New York State Senate 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 (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.

"As Memorial Day approaches, the safety of individuals across the state is our greatest concern," said Senate Majority Leader Malcolm A. Smith. "The passage of this legislation will allow firefighters to operate a firetruck for official duties with no liability. Previously, this

was done at their own risk. It is difficult to convey my gratitude to these courageous firefighters, and I am thrilled that going forward we will be providing them with an increased level of protection.”

“Our volunteer firefighters are heroes and deserve to be treated as such,” said Senator Foley (D – Blue Point). “I am proud to sponsor legislation that will protect our firefighters and allow them to serve their communities without being exposed to legal liability.”

Prior to Foley’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.