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Subject: GOVERNOR PATERSON SIGNS BILL TO ALLOW FIREFIGHTERS AND POLICE OFFICERS CARRY OUT OFFICIAL DUTIES WITHOUT COMMERCIAL DRIVERS LICENSES



STATE OF NEW YORK | EXECUTIVE CHAMBER
DAVID A. PATERSON | GOVERNOR

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GOVERNOR PATERSON SIGNS BILL TO ALLOW FIREFIGHTERS AND POLICE OFFICERS CARRY OUT OFFICIAL DUTIES WITHOUT COMMERCIAL DRIVERS LICENSES

Legislation Ensures Firefighters Can Train, Carry out Inspections and Participate in Memorial Day Parades without Fear of Liability

Governor David A. Paterson today announced that he has signed legislation that will expand the circumstances under which police officers and firefighters may drive emergency vehicles without a commercial driver license (CDL). Governor Paterson's timely signature allows firefighters who do not have a CDL to participate in Memorial Day parades this weekend.

"Firefighters perform an extraordinarily honorable and valuable service for our communities. We need to do everything we can to ensure that they are not needlessly burdened in carrying out their essential tasks," said Governor Paterson. "I am grateful to the Legislative Leaders, Senator Foley, Assemblyman Sweeney and the all supporters for working with extraordinary dispatch to ensure that this legislation is enacted in time for Memorial Day, a day on which firefighters participate in parades across the State and we recognize and celebrate their contributions to our safety and well-being."

"I also thank Senator Charles Schumer, who has been actively involved with this issue and, in seeking guidance from federal agencies, helped to ensure that this legislation complies with federal law," Governor Paterson added.

Commercial driver licenses are generally required for individuals who drive very large vehicles. Police and fire vehicles were specifically excluded from this requirement until enactment of a 2005 law limited the exclusion to a vehicle's use in emergency operations. This statute had numerous unforeseen negative consequences. For volunteer firefighters in particular, obtaining such a license would be extremely burdensome and costly. Those who lacked such a license, however, were placed in technical violation of the law when they drove for such functions as fire hydrant inspection, training, parades and funerals. For several years, a strict reading of the law

even barred firefighters without commercial driver licenses from driving their trucks from the scene of an emergency, a problem that was remedied in the 2009 State budget.

Senate Majority Leader Malcolm A. Smith said: “As Memorial Day approaches, the safety of individuals across the State is our greatest concern. The Governor signing this legislation will allow firefighters to operate a fire trucks for official duties without 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.”

Senator Brian X. Foley, who sponsored the bill in the Senate, said: “Our volunteer firefighters are heroes and deserve to be treated as such. I am proud to sponsor legislation that will protect our firefighters and allow them to serve their communities without being exposed to legal liability.”

Assemblyman Robert Sweeney, who sponsored the bill in the Assembly, said: “Firefighters throughout New York put themselves on the line to protect and save lives in our communities. Correcting this problem in the law will help them to continue serving without fear of being penalized for driving emergency service vehicles for important functions such as training, safety drills, and building inspections. It is important that we not add an unnecessary burden as they protect the public.”

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The following quotes were provided in support of the legislation:

Senator Darrel J. Aubertine said: “The Governor’s signature today corrects an unintended consequence that put our professional and volunteer firefighters in a bind. It didn’t make sense that we would allow firefighters to race to the scene of an emergency to protect our lives and property, but then say they can’t drive that fire truck at low speeds returning from the fire, passing out candy in a parade or training. I’m pleased we were able correct this in time for our firefighters to proudly display their department’s fire trucks this Memorial Day and throughout the summer.”

Senator Craig M. Johnson said: “It is just plain wrong to penalize these brave men and women who selflessly put themselves in danger in order to protect their neighborhoods and their neighbors. I am proud to have helped protect our volunteer firefighters, just as they protect us day-in and day-out.”

Senator William T. Stachowski said: “It is essential that we protect our firefighters from liability. 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.”

Senator Andrea Stewart-Cousins said: “I am proud to support this legislation, especially on Memorial Day weekend, because it recognizes the selfless sacrifices that our police officers and firefighters make on a daily basis. These brave men and women are true heroes in our communities, and it is our obligation to create policies that allow them to effectively carry out

their duties.”

Senator David J. Valesky said: “This Memorial Day holiday, as we honor our veterans and those who have served our country, I look forward to marching in parades beside our fire engines and firefighters, who provide parade-goers with much joy and serve as ambassadors on wheels in the community, as they ride proudly down our main streets.”

Assemblywoman Francine DelMonte said: “There are many paid and volunteer fire company officials and members who are breathing a sigh of relief today now that Governor Paterson signed into law legislation that allows them to drive their emergency vehicles to non-emergency events and work-related activities. The action taken today protects State access to important federal funds while assuring our first responders that they can carry out their duties without fear of violating any laws.”

Assemblywoman RoAnn M. Destito said: “Our first responders are critically essential to the safety and well being of our citizens, and their service to our communities save the State’s taxpayers an enormous amount of money. I am very pleased that we have resolved the unintended consequences that affected the necessary operation of emergency vehicles. We can now all look forward to their continued service to our community and to the participation of all of our emergency service personnel in this weekend’s many events honoring Memorial Day.”

Assemblyman David F. Gantt, Chair of the Assembly Transportation Committee, said: “As is the case in Rochester and communities across our State, firefighters and other first responders put themselves in harm’s way nearly every day. To fulfill these necessary tasks, they must undergo hundreds of hours of training and certification. The change in this law removes an obstacle that barred these well-trained public servants from driving large vehicles without fear of being cited. This was a necessary correction and will help emergency services departments in their daily operations.”

Assemblyman Tim Gordon said: “The passage of this important legislation enables first responders to carry out all aspects of their job, including driving fire vehicles during non-emergency conditions, without skirting the law or incurring the expense and inconvenience of securing a commercial license. This legislation fixes the problem without jeopardizing federal transportation funds which are needed to improve our infrastructure, and does so in time for Memorial Day to ensure the full participation of our fire officers in parades across the State.”

Assemblywoman Addie J. Russell said: “I thank the Governor for his quick action in signing this legislation and realizing there is much more to a firefighter's job than just answering emergency calls. They are highly active, visible members of our communities and it is important they are able to operate the apparatus without fear of penalty.”

President of the New York State Association of Fire Chiefs William Owen said: “We applaud Governor Paterson’s and the legislature’s commitment to public safety. Changing this law will allow career and volunteer fire departments to continue to provide high quality training to their members. This will help ensure that the citizens of this State continue to receive the highest level of fire protection.”

President of the Firemen’s Association of the State of New York Thomas J. Cuff, Jr., said: “This law restores the ability of our dedicated volunteer firefighters to operate fire apparatus in both emergency and non-emergency situations – such as training and drill evolutions – and community events, including school visits and, of course, this weekend’s Memorial Day parades. Our members already receive many hours of safety and operational training before getting behind the wheel of these rigs, making the need for a CDL unnecessary. On behalf of the volunteer fire service, our leadership thanks the Legislature and Governor for their swift action in passing and signing this important piece of legislation.”

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