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Stephen J. Acquario
Sent: Wednesday, April 01, 2009 3:36 PM
To: nysclerkboard@nysac.us
Subject: Fire Fighter CDL Issue

Many of you have expressed concern to me in phone calls, letters and through resolutions of your board on issues related to volunteer fire fighters driving a fire vehicle without having a CDL during certain time periods (like returning to the fire station after an emergency has been addressed).

I am pleased to report that the state budget enacted today includes language (attached below) to clarify that the emergency operation includes "returning from emergency service." The firefighters can drive to an from an emergency with this fix, but they can't drive in a parade or other operation. Please inform appropriate officials in your county. I hope this information is helpful. Best Regards, Stephen Acquario

Budget bill on Transportation Economic Development and Environmental Conservation

S.59 / A.159

PART K

1 § 4. Subparagraph (i) of paragraph (d) of subdivision 2
of section 501

2 of the vehicle and traffic law, as amended by section 6
of part E of

3 chapter 60 of the laws of 2005, is amended to read as
follows:

4 (i) Notwithstanding the foregoing provisions of this
subdivision, a

5 motor vehicle or combination of vehicles, other than a
motorcycle, that

6 is a military vehicle operated by a member of the
armed forces, or a

7 police or fire vehicle during its use in an emergency
operation, as

8 defined in section one hundred fourteen-b of this
chapter, or a vehicle

9 owned and identified as being owned by the state, a
political subdivi-

10 sion thereof, an ambulance service as defined in
subdivision two of

11 section three thousand one of the public health law or a
voluntary ambu-

12 lance service as defined in subdivision three of such
section and used

13 to provide emergency medical service as defined in
section three thou-

14 sand one of the public health law may be operated with
any class license

15 other than a class DJ, M or MJ license. For the purposes
of this para-

16 graph the term "member of the armed forces" shall
include active duty

17 military personnel; members of the reserve components of
the armed forc-

18 es; members of the national guard on active duty,
including personnel on

19 full time active guard duty, personnel on part-time
national guard

20 training, and national guard military technicians
(civilians who are

21 required to wear military uniforms); and active duty
United States coast

22 guard personnel. The term shall not include United States
reserve tech-

23 nicians. Notwithstanding the provisions of section one
hundred four-

24 teen-b of this chapter, for the purposes of this subparagraph,
the term

25 "emergency operation" shall include returning from emergency
service.

26 § 5. Paragraph (b) of subdivision 4 of section 501-a
of the vehicle

27 and traffic law, as amended by chapter 251 of the
laws of 2007, is

28 amended to read as follows:

29 (b) However, a commercial motor vehicle shall not
include: (i) a

30 personal use vehicle or a farm vehicle or a combination
of such vehi-

31 cles; (ii) any motor vehicle or combination of motor
vehicles operated

32 by a member of the armed forces for military purposes;
(iii) a police or

33 fire vehicle or a vehicle during its use in an emergency
operation, as

34 defined in section one hundred fourteen-b of this
chapter, owned and

35 identified as being owned by the state, a political
subdivision thereof,

36 an ambulance service as defined in subdivision two of
section three

37 thousand one of the public health law or a voluntary
ambulance service

38 as defined in subdivision three of such section and
used to provide

39 emergency medical service as defined in section three thousand one of

40 the public health law or combination of such vehicles; or (iv) a vehicle

41 or combination of vehicles which is designed and primarily used for

42 purposes other than the transportation of persons or property and which

43 is operated on a public highway only occasionally for the purpose of

44 being transported to a construction or off-highway site at which its

45 primary purpose is to be performed except as may otherwise be specif-

46 ically provided by regulation of the commissioner. For the purposes of

47 this paragraph, the term "member of the armed forces" shall include

48 active duty military personnel; members of the reserve components of the

49 armed forces; members of the national guard on active duty, including

50 personnel on full time active guard duty, personnel on part-time

51 national guard training, and national guard military technicians (civil-

52 ians who are required to wear military uniforms); and active duty United

53 States coast guard personnel. The term shall not include United States

54 reserve technicians. Notwithstanding the provisions of section one

55 hundred fourteen-b of this chapter, for the purposes of this
paragraph,

25 S. 59--B

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1 the term "emergency operation" shall include returning from
emergency

2 service.