

**Action needed! CDLs required for non-emergency driving  
February 6, 2007**

In 2005 large sections of law were amended as part of a statewide bond act that had passed in New York State. State officials believed, at that time, that the then full exemption of CDL requirement for the fire service would make New York State non-compliant with federal highway safety standards, and therefore ineligible for millions of dollars in highway funds. Two of the laws changed, therefore, were sections 501 (2)(d)(i) and 501-a (4)(b)(iii) of the New York State Vehicle and Traffic Law. To our knowledge this change went unnoticed by all state fire service organizations. In the Fall of 2008, at the request of local fire departments the Suffolk County Department of Fire, Rescue and Emergency Services contacted the New York State Department of Motor Vehicle to ask what impact the 2005 law had on CDL requirements for the fire service. The response from DMV to the Commissioner makes it clear; ***“During non-emergency operation however, the police or fire vehicle will be considered to be a Commercial Motor Vehicle (CMV) if it falls within one or more of the definitions of CMV found in section 501-a(4)(a) and a CDL would be required to operate the vehicle.”*** Most engines, heavy rescue, and aerial apparatus would qualify as a CMV. ***Therefore, as of the passage of the law in 2005 CDL’s have been required for any fire apparatus that would meet the requirement of a CMV for parades, drills, building inspections, public education events, returning from calls or any other purpose except driving to an emergency!*** The problems this creates are too numerous to mention.

The Association of Fire Districts, FASNY and NYSAFC have been working together on this issue. Through the efforts of Senator Charles Schumer’s office and the International Association of Fire Chiefs we have been able to provide clarification from the Federal Motor Carrier Safety Administration to the New York State Department of Motor Vehicle that our previous full CDL exemption will NOT endanger any federal highway funding. The New York State Department of Motor Vehicle has since indicated that they are very interested and willing to assist in changing the law. In fact, there are provisions in Governor Paterson’s budget to change the law, but they would not provide the full CDL exemption, nor do we believe that resolution of this issue can await the passage of the budget. NYSAFC has been in discussion on this issue with Senator Brian Foley and Assemblyman Robert Sweeney, both of Suffolk County. These legislators have taken the lead on this issue and should be introducing legislation shortly that the organizations have reviewed and believe will return full CDL exemption to all of the fire service of this state. Although every effort is being made to expedite the creation of the legislation and its passage a true time frame is virtually impossible to estimate as only items that legislators consider the highest priority are currently being considered. We highly encourage everyone to contact their legislator and inform them of your concerns on this general issue. We also suggest that you inform your legislators of Senator Foley’s and Assemblyman Sweeney’s interest and efforts on the creation of this legislation. You can find your State Senator and Assembly Member’s phone numbers in most local phone books or on [www.senate.state.ny.us](http://www.senate.state.ny.us) and [www.assembly.state.ny.us](http://www.assembly.state.ny.us) and we ask that you share this information with others.

NYSAFC is not in a position to give legal counsel to any local department. However we always encourage all departments to be in compliance with all pertinent laws, rules and regulations.

**Please remember that this CDL requirement for driving apparatus (except to an emergency) is not a suggested law, but is in fact now the law in New York State.**

**We urge you to contact your local legislators and ask them to support legislation being introduced by Senator Brian Foley and Assemblyman Robert Sweeney to correct this legislation:**

**SENATE:** Senator Thomas W. Libous, 1607 State Office Building, 44 Hawley Street, Binghamton, NY 13901, phone: Broome: (607) 773-8771, Tioga: (607) 687-3399, Chenango:(607) 336-3401, e-mail: [Senator@senatorlibous.com](mailto:Senator@senatorlibous.com)

**ASSEMBLY:**

Gary Finch (For towns of Lisle, Triangle, Nanticoke, Barker & Maine), 69 South Street, Auburn, NY 13021315-255-3045, e-mail: [finchq@assembly.state.ny.us](mailto:finchq@assembly.state.ny.us)

Clifford Crouch (For towns of Chenango, Fenton, Colesville, Sanford,Windsor, Binghamton, Conklin, Kirkwood and Dickinson), 1 Kattelville Road, Suite 1, Binghamton, NY 13901, Phone: 607-648-6080, e-mail: [crouchc@assembly.state.ny.us](mailto:crouchc@assembly.state.ny.us)

Donna Lupardo (For towns of Vestal and Union and City of Binghamton), Binghamton State Office Building, 17th Floor, Binghamton, NY 13901, 607-723-9047, E-mail: [lupardod@assembly.state.ny.us](mailto:lupardod@assembly.state.ny.us)