WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4107

(By Delegates Morgan, Stephens, Hatfield, Talbott, Martin, Hartman, Staggers, Azinger, Howell, Romine and Snuffer)

Passed February 14, 2012

To Take Effect from Passage
AN ACT to amend and reenact §29-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-3-5d, all relating to volunteer firefighters; requiring the State Fire Commission to establish training, equipment and performance standards by legislative rule; and authorizing emergency rules.

Be it enacted by the Legislature of West Virginia:

That §29-3-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §29-3-5d, all to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5d. Volunteer firefighters' training.

1  (a) On or before July 30, 2012, the State Fire
2   Commission shall propose rules for legislative approval in
3   accordance with the provisions of article three, chapter
twenty-nine-a of this code, to establish training requirements for firefighters which:

(1) Provide for:

(A) Minimum training levels for rescue and fire fighting;

(B) Minimum levels of equipment needed to protect life and property within fire service areas;

(C) Minimum performance standards the departments must meet in response times, communications, levels of water flow and pressure; and

(D) Other performance measures as considered necessary to meet the overall goals of improved fire prevention and control.

(2) Allow the training to be offered in segments, blocks or modules: Provided, That no firefighter may engage in fire fighting activities, except in response to wildland fires, until he or she has completed all firefighter one training: Provided, however, That support members may provide ancillary assistance to firefighters as defined by the rule;

(3) Provide for online training;

(4) Allow testing to be done in person or online; and

(5) Establish the testing requirements which include:

(A) If the individual is required to test in person, then the tests must be given regionally at various times throughout the year; or

(B) If the individual is authorized to test online, then the requirements for online testing must be established.
(b) The State Fire Commission may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

(c) The training policies in effect as of the effective date of the enactment of this section during the Regular Session of 2012 will remain in effect until superceded by the emergency rule or legislative rule promulgated pursuant to this section.


(a) The State Fire Commission may employ personnel, fix their compensation and, within funds available to do so, incur expenses as necessary in the performance of the duties of its office.

(b) The State Fire Commission is responsible for fire programs within this state, including the State Fire Marshal’s office, training, uniform standards and certification, finance and planning and fire prevention.

(c) All state and area training and education in fire service shall be coordinated by the State Fire Commission. The State Fire Marshal shall ensure that these programs are operated throughout the state at a level consistent with needs identified by the commission.

(d) The State Fire Commission may make recommendations to the State Insurance Commissioner regarding town classifications for fire insurance rates.

(e) The formation of any new fire department, including volunteer fire departments, requires the concurrence of the State Fire Commission. The State Fire Commission shall
develop a method of certification which can be applied to all
fire departments and volunteer fire departments.

(f) The State Fire Commission shall develop a plan for
fire prevention and control which shall include, but not be
limited to, the following areas: Manpower needs; location of
training centers; location of fire prevention and control units;
communications; fire fighting facilities; water sources;
vehicular needs; public education and information; public
participation; standardization in record keeping; evaluation
of personnel; reporting of fire hazards; programs on mutual
aid; location of public safety agencies; outline of fire
prevention programs; and accessibility of fire prevention
information.

(g) The State Fire Commission shall establish fire
protection areas and at such times as funds are available shall
establish field offices for inspection, planning and certification.

(h) The State Fire Marshal may accept, on behalf of the
State Fire Commission, gifts, grants, court ordered civil
forfeiture proceedings and bequests of funds or property from
individuals, foundations, corporations, the federal
government, governmental agencies and other organizations
or institutions. The State Fire Marshal, acting on behalf of the
State Fire Commission, may enter into, sign and execute any
agreements and do and perform any acts that may be
necessary, useful, desirable or convenient to effectuate the
purposes of this article. Moneys from gifts, grants, civil
forfeiture proceedings and bequests received by the State Fire
Marshal shall be deposited into the special account set forth
in subsection (c), section twelve-b of this article, and the
State Fire Marshal, with the approval of the State Fire
Commission, has the authority to make expenditures of, or
use of any tangible property, in order to effectuate the
purposes of this article.
(i) The State Fire Commission shall establish standards and procedures by policy to implement the provisions of this section with regard to the following:

(1) Fire prevention and control;

(2) Uniform standards of performance, equipment and training;

(3) Certification;

(4) Training and education in fire service, subject to the rule-making requirements set forth in section five-d of this article; and

(5) The creation, operation and responsibilities of fire departments throughout the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 23rd day of February, 2012.

Governor
PRESENTED TO THE GOVERNOR

20 2012

Time 1:40 PM