

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4471

BY DELEGATES LONGANACRE, HAYNES, HONAKER,
COOPER, PRITT, PHILLIPS, MCGEEHAN, J. JEFFRIES,
FOSTER, MAZZOCCHI, AND HANNA

[Introduced January 31, 2022; Referred
to the Committee on Fire Department and Emergency
Medical Services then Government Organization]

1 A BILL to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating
2 to the Save Our Volunteer Fire Departments Act, requiring the State Fire Commission to
3 review and revise certain rules for training of volunteer fire firefighters and certification of
4 volunteer fire departments; removing provision for a pilot program to implement proposed
5 changes to such requirements; and requiring the State Fire Commission to consider
6 separate standards to fit the character and level of development of a volunteer fire
7 department's designated rum area

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. FIRE COMMISSION.

§15A-11-9. Volunteer firefighters' training and equipment.

1 (a) The State Fire Commission shall maintain oversight and authority over training,
2 equipment requirements, and performance standards for volunteer fire departments and its
3 members, establishing and maintaining said requirements pursuant to legislative rule, in
4 accordance with the provisions of §29A-3-1 *et seq.* of this code, to establish training requirements
5 for firefighters which:

6 (1) Provide for:

7 (A) Minimum training levels for rescue and firefighting;

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

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

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

14 (2) Allow the training to be offered in segments, blocks, or modules: *Provided*, That no
15 firefighter may engage in fire fighting activities, except in response to wildland fires, until he or
16 she has completed all firefighter one training: *Provided, however*, That support members may

17 provide ancillary assistance to firefighters as defined by the rule;

18 (3) Provide for online training;

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

20 (5) Establish the testing requirements which include:

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

23 (B) If the individual is authorized to test online, then the requirements for online testing
24 shall be established.

25 ~~(b) Notwithstanding any provision of this code to the contrary, the State Fire Commission~~
26 ~~may establish or continue a pilot project program which implements changes to standards~~
27 ~~imposed on volunteer fire fighting that address problems facing volunteer fire departments in the~~
28 ~~state, including issues related to training, recruitment, and retention.~~

29 ~~(1) The State Fire Commission may limit the number of participating volunteer fire~~
30 ~~departments in the pilot project program.~~

31 ~~(2) The State Fire Commission shall set the rules and conditions for participating volunteer~~
32 ~~fire departments by policies adopted and ratified by the commission.~~

33 ~~(3) On July 1 of each year, the State Fire Commission shall annually provide a full~~
34 ~~summary report of the status of the program to the Joint Committee on Government and Finance.~~

35 (b) Beginning on July 1, 2022, the State Fire Commission shall begin a systematic review
36 of its rules for Volunteer Firefighters' Training, Equipment and Operating Standards and for
37 Certification And Evaluation Of Local Fire Departments with the goal of removing or adjusting
38 those portions of the rules which place an undue burden on volunteer firefighters, including issues
39 related to training, recruitment, and retention, and also giving consideration to implementing
40 varying degrees of requirements based upon the urban, semi-urban, or rural character of the
41 response area for a volunteer fire department. The commission shall complete its review by April
42 30, 2023, and propose revised rules for legislative review, pursuant to the provisions of §29A-3-

43 1 et seq. of this code, in time for the 2023 cycle of review by the Legislative Rule-making and
44 Review Committee of the Legislature.

45 (c) After conducting its evaluations of any fire department, the Office of the State Fire
46 Marshal shall issue a certificate of evaluation to the chief of that department, which shall be made
47 and issued in duplicate. The certificate of evaluation shall show the date of each evaluation and
48 the notations relating thereto by the Office of the State Fire Marshal, and the most recent
49 certificate of evaluation shall be posted at the fire department in such a conspicuous place and
50 manner that the results are visible to the members of the department, and to members of the
51 public.

NOTE: The purpose of this bill is to require the State Fire Commission to reconsider current rules for volunteer firefighters and volunteer firefighters and to propose new rules with the objective of eliminating unnecessarily burdensome or restrictive training and certification requirements.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.