

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 738

By Senator Trump

[Introduced February 9, 2024; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the State Fire Marshal may promulgate emergency rules relating to
3 increased fees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FIRE MARSHAL.

§15A-10-7. Fees.

1 (a) The State Fire Marshal ~~is authorized to~~ may propose rules for legislative authorization
2 pursuant to §29A-3-1 *et seq.* of this code to establish fees in accordance with the following:

- 3 (1) For blasting;
- 4 (2) For inspections of schools or day-care facilities;
- 5 (3) For inspections of hospitals or nursing homes;
- 6 (4) For inspections of personal care homes or board and care facilities;
- 7 (5) For inspections of residential occupancies;
- 8 (6) For inspections of mercantile occupancies;
- 9 (7) For business occupancies; and
- 10 (8) For inspections of assembly occupancies;

11 For purposes of this subdivision, an "assembly occupancy" includes, but is not limited to,
12 all buildings or portions of buildings used for gathering together 50 or more persons for such
13 purposes such as deliberation, worship, entertainment, eating, drinking, amusement, or awaiting
14 transportation. For purposes of this section, a "Class C assembly facility" is one that
15 accommodates 50 to 300 persons, a "Class B facility" is one which accommodates more than 300
16 persons but less than 1,000 persons, and a "Class A facility" is one which accommodates more
17 than 1,000 persons.

18 (b) The State Fire Marshal may collect fees for the fire safety review of plans and
19 specifications for new and existing construction. Fees shall be paid by the party or parties
20 receiving the review.

21 (1) Structural barriers and fire safety plans review;

22 (2) Sprinkler system review;

23 (3) Fire alarm systems review;

24 (4) Range hood extinguishment system review;

25 (5) Carpet specifications;

26 (c) All fees authorized and collected pursuant to this article, §29-3B-1 *et seq.*, §29-3C-1 *et*
27 *seq.*, and §29-3D-1 *et seq.* of this code shall be paid to the State Fire Marshal and thereafter
28 deposited into the special account in the State Treasury known as the Fire Marshal Fees Fund.
29 Expenditures from the fund shall be for the purposes set forth in this article and §29-3B-1 *et seq.*,
30 §29-3C-1 *et seq.*, and §29-3D-1 *et seq.* of this code and are not authorized from collections but are
31 to be made only in accordance with appropriation by the Legislature and in accordance with the
32 provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §5A-2-1 *et seq.* of
33 this code. Any balance remaining in the special account at the end of any fiscal year shall be
34 reappropriated to the next fiscal year.

35 (d) If the owner or occupant of any occupancy arranges a time and place for an inspection
36 with the State Fire Marshal and is not ready for the occupancy to be inspected at the appointed
37 time and place, the owner or occupant thereof shall be charged the inspection fee provided in this
38 section unless at least 48 hours prior to the scheduled inspection the owner or occupant requests
39 the State Fire Marshal to reschedule the inspection. In the event a second inspection is required
40 by the State Fire Marshal as a result of the owner or occupant failing to be ready for the inspection
41 when the State Fire Marshal arrives, the State Fire Marshal shall charge the owner or occupant of
42 the occupancy the inspection fees set forth ~~above~~ in the legislative rule for each inspection trip
43 required.

44 (e) The State Fire Marshal has not raised the fees for its services since 2005, making it
45 difficult to employ sufficient personnel to render new services mandated by statute. Therefor the
46 State Fire Marshal may promulgate emergency rules relating to fees pursuant to the provisions of

47 §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to authorize the State Fire Marshal to promulgate emergency rules relating to increased fees.

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