

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 550

By Senator Deeds

[Introduced February 20, 2025; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §15A-10-1, §15A-10-3, §15A-10-6, and §15A-10-25 of the Code of
2 West Virginia, 1931, as amended; and to amend the code by adding two new sections,
3 designated §15A-10-1a and §15A-10-26, relating to clarifying the role and term of service
4 of the State Fire Marshal; clarifying the responsibilities of chief deputy fire marshal and
5 deputy fire marshal; specifying salaries for law enforcement employed by the Office of
6 State Fire Marshal; modifying the role of assistant fire marshal; and recognizing certain
7 rights of the retired deputy fire marshal.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FIRE MARSHAL.

**§15A-10-1. State Fire Marshal and Office of the State Fire Marshal transferred to the
Department of Homeland Security; appointment of State Fire Marshal; removal;
salary; qualifications; responsibilities; employees; equipment.**

1 (a) The State Fire Marshal and the Office of the State Fire Marshal, heretofore existing in
2 this code, are hereby continued in all respects except that all powers and duties exercised by the
3 State Fire Commission with respect to the State Fire Marshal and the Office of the State Fire
4 Marshal are terminated and all such powers and duties are hereby transferred to and vested in the
5 Department of Homeland Security except as provided otherwise in this article.

6 (b) When a vacancy occurs in the position of State Fire Marshal, the Fire Commission, at
7 the request of the Governor, shall submit a list of not more than three names to the Governor from
8 which the Governor shall make the appointment. The Governor shall appoint a State Fire Marshal,
9 from a list of names submitted by the Fire Commission. Notwithstanding the provisions of §30-29-
10 1 et seq. of this code, the State Fire Marshal employed under this article is the Chief Executive of
11 the Office of the State Fire Marshal.

12 (1) The State Fire Marshal serves at the will and pleasure of the Governor and is exempt
13 from coverage under the classified civil service system. The State Fire marshal shall serve for a
14 term of five years.

15 (2) At the end of a term, the State Fire Marshal shall be eligible for reappointment by the
16 Governor, subject to the confirmation by the Senate. A State Fire Marshal shall serve until his or
17 her successor is confirmed, if he or she is not reappointed. If a vacancy occurs in the position, an
18 interim State Fire Marshal may be appointed by the Governor to serve until a successor can be
19 appointed and confirmed.

20 (c) The State Fire Marshal shall have a baccalaureate degree from an accredited four-year
21 college or university, or equivalent experience, and six years of full-time or part-time equivalent
22 paid or volunteer experience in fire prevention or fire safety including two years in a supervisory
23 capacity in fire prevention and fire safety.

24 (d) The State Fire Marshal, shall have full responsibility for the enforcement of fire and life
25 safety programs in this state designated to minimize fire hazards and disaster and loss of life and
26 property from these causes. These responsibilities include, but are not limited to, the
27 establishment and enforcement of fire safety practices throughout the state, preventive inspection
28 and correction activities, coordination of fire safety programs with volunteer and paid fire
29 departments, and critical analysis and evaluation of West Virginia's fire loss statistics for
30 determination of problems and solutions.

31 (e)(1) The State Fire Marshal may employ such technical, clerical, stenographic, and other
32 personnel and fix their compensation and may incur such expenses as may be necessary in the
33 performance of the duties of his or her office within the appropriation therefor. Employees of the
34 Fire Marshal's office shall be members of the state civil service system and all appointments of the
35 office shall be a part of the classified service under the civil service system. The State Fire
36 Marshal shall appoint within the Office of the State Fire Marshal the number of deputy fire
37 marshals required for proper administration of the Office of the State Fire Marshal.

38 (2) Any attorney directly employed by the Office of the State Fire Marshal may, by the
39 request of the relevant prosecuting attorney, assist in the prosecution of criminal violations
40 presented by law enforcement officers of the Office.

41 (f) The State Fire Marshal ~~may~~ shall employ a chief deputy fire marshal, who shall be
42 classified exempt. The deputy shall have a baccalaureate degree from an accredited four-year
43 college or university, or equivalent experience, and six years of full-time ~~or part-time equivalent~~
44 ~~paid or volunteer experience in law enforcement fire prevention or fire safety~~ including two years in
45 a supervisory capacity in law enforcement fire prevention and fire safety. The Chief Deputy will be
46 responsible, for, among other assigned duties, supervision of the law enforcement officers of the
47 Office of the State Fire Marshal.

48 (g)(1) Any individual who is employed by the State Fire Marshal in the sworn position of
49 deputy fire marshal may ~~to~~ conduct criminal investigations or ~~who~~ may become actively involved in
50 matters of a criminal nature. Any such person shall first be required to pass a civil service
51 examination testing his or her competency and proficiency in the law of arrest, search and seizure,
52 and other criminal procedures relating to the powers granted to the State Fire Marshal pursuant to
53 the provisions of this article: Provided, That all new hires to sworn positions of Fire Marshal 1, 2, or
54 3 and deputy fire marshal, ~~excluding the chief deputy as described in subdivision (f) of this section,~~
55 shall comply with the law enforcement certification requirements set forth in §30-29-1 *et seq.* of
56 this code. All agency personnel detailed or assigned to law enforcement activities or operations
57 under the provisions of this section shall be known and designated as deputy fire marshals and
58 shall be under the immediate supervision and direction of the chief deputy fire marshal except as
59 otherwise may be provided. Notwithstanding the provisions of §30-29-1 et. seq. of this code, any
60 deputy fire marshal employed under this article is a law enforcement officer.

61 (2) Any person who is employed as a Deputy Fire Marshal on the effective date of this
62 section as revised in the 2025 Legislative Session, and who is not a graduate of the West Virginia
63 Basic Police Training Course, the West Virginia State Police Cadet Training Program or other
64 approved law enforcement training academy is certifiable as having met the minimum entry level
65 law enforcement training program requirements and is exempt from the requirement of attending a
66 law enforcement training academy if the person has been employed as an assistant state fire

marshal or deputy state fire marshal for a period of not less than five consecutive years
immediately preceding the effective date of this section as revised in the 2025 Legislative Session.
The Deputy Fire Marshal shall attend, or have attended and satisfactorily completed, the
appropriate in-service training required of applicants for equivalent certification as promulgated by
the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on
Crime, Delinquency, and Correction and complete an application to the subcommittee within
twelve months of the effective date of this section as revised in the 2025 Legislative Session.

(h) The State Fire Marshal and other personnel of the State Fire Marshal's Office shall be
provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in
the same manner as provided for other state agencies.

(i) Notwithstanding the provisions of §30-29-1 of this code, the Office of the State Fire
Marshal is a law enforcement agency of this state.

§15A-10-1a. Deputy Fire Marshal, ranks; salary schedule; base pay; length of service pay;
exceptions.

(a) Notwithstanding any provisions of this code to the contrary, the ranks of law
enforcement officers employed by the Office of the State Fire Marshal are State Fire Marshal,
Chief Deputy, lieutenant, first sergeant, sergeant, corporal, deputy fire marshal first class, deputy
fire marshal, and deputy fire marshal in training. Each officer while in uniform shall wear the
insignia of rank provided by the State Fire Marshal.

(b) Beginning July 1, 2026 and continuing thereafter, law enforcement officers employed
by the Office of the State Fire Marshal shall be paid the minimum annual salary based upon the
following schedule:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

Deputy Fire Marshal in Training \$37,536.00

Deputy Fire Marshal (after one year) \$39,461.00

13	<u>Deputy Fire Marshal First Class (years two through-five)</u>	<u>\$41,194.00</u>
14	<u>Corporal (after seventh year)</u>	<u>\$44,174.00</u>
15	<u>Sergeant</u>	<u>\$46,410.00</u>
16	<u>First Sergeant</u>	<u>\$49,658.00</u>
17	<u>Lieutenant</u>	<u>\$55,000.00</u>
18	<u>Chief Deputy</u>	<u>\$75,000.00</u>
19	<u>State Fire Marshal</u>	<u>\$85,000.00</u>

20 (c) Effective July 1, 2026, each deputy fire marshal shall receive and be entitled to an
21 increase in salary, based on length of service, including that heretofore and hereafter served as a
22 Deputy Fire Marshal as follows:

23 (1) For five years of service with the Office of the State Fire Marshal, a deputy fire marshal
24 shall receive a salary increase of \$600 per year payable during his or her next three years of
25 service and a like increase at three-year intervals thereafter, with these increases to be
26 cumulative. A salary increase shall be based upon the years of service as of July 1 of each year
27 and may not be recalculated until July 1 of the next year.

28 (2) Deputy fire marshals in service as of the effective date of this section shall be given
29 credit for all prior service and shall be paid according to the length of service they are entitled to
30 under the provisions of this section.

31 (3) The State Fire Marshal may set additional compensation for officers of the State Fire
32 Marshal's Office based upon, merit, additional certification, and education in amounts to be
33 provided for from the Fire Marshals Fees Fund.

34 (d) Nothing in this section prohibits other pay increases as provided under §5-5-2 of this
35 code, including, but not limited to, any across-the-board pay increase granted by the Legislature or
36 by the Governor. Any increase in the base pay for ranks authorized by the State Fire Marshal for
37 merit, additional certification, and education, will be added to, and reflected in, the minimum
38 salaries as provided by this section, and any increase authorized are retained by an officer when

39 he or she advances from one rank to another.

§15A-10-3. Additional powers, duties and authority of State Fire Marshal relating to law enforcement; statewide contracts; penalties; authority to carry firearms.

1 (a) *Enforcement of laws.* — The State Fire Marshal, the Chief Deputy, and any of his or her
2 ~~assistant fire marshals or deputy fire marshals~~, are fully authorized to enforce the fire code, the
3 building code, this article, §15A-11-1 *et seq.* of this code, and any laws ~~over~~ of the state while
4 conducting any investigation or enforcement action having to do with:

5 (1) Prevention of fire;

6 (2) The storage, sale, and use of any explosive, combustible, or other dangerous article or
7 articles in solid, flammable liquid, or gas form;

8 (3) The installation and maintenance of equipment of all sorts intended to extinguish,
9 detect, and control fires;

10 (4) The means and adequacy of exit, in case of fire, from buildings and all other places in
11 which persons work, live, or congregate, from time to time, for any purpose, except buildings used
12 wholly as dwelling houses for no more than two families;

13 (5) The suppression of arson; and

14 (6) Any other thing necessary to carry into effect the provisions of this article and §15A-11-
15 1 *et seq.* of this code including, but not limited to, confiscating any materials, chemicals, items, or
16 personal property owned, possessed, or used in direct violation of the State Fire Code.

17 (b) *Statewide jurisdiction and authority*—The State Fire Marshal, Chief Deputy and any
18 deputy fire marshal have statewide jurisdiction and possess the authority to

19 (1) Arrest on sight, without warrant or other court process, any person or persons
20 committing a criminal offense in violation of the laws of this state, in the presence of the officer,

21 (A) consistent with the provisions of §62-1-1 *et. seq.* of this code; but

22 (B) no such arrest may be made where any form of administrative procedure is prescribed
23 by this chapter for the enforcement of the provisions of this chapter;

(2) Summon aid in making arrests or seizures or in executing warrants, notices or processes, in the same manner as sheriffs;

(3) Make a complaint in writing before any court or officer having jurisdiction, and procure and execute the warrant, when the officer knows or has reason to believe that a person has violated a law of this state. The actions of the officer have the same force and effect as if made by a sheriff;

(4) Serve and execute warrants for the arrest of any person and warrants for the search of any premises, buildings, properties, or conveyances issued by a properly constituted authority in the same manner, with the same authority, and with the same legal effect, as a sheriff; and

(5) Do all things necessary to carry into effect the provisions of this chapter.

~~(b)(c)~~ *Assistance upon request.* — Upon request, the State Fire Marshal shall assist any chief of any recognized fire company or department. Upon the request of any federal law-enforcement officer, State Police officer, Natural Resources police officer, or any county or municipal law-enforcement officer, the State Fire Marshal, the Chief Deputy, and any deputy state fire marshal, ~~or assistant state fire marshal~~ employed pursuant to the provisions of this article and any person deputized pursuant to subsection (j) of this section may assist in the lawful execution of the requesting officer's official duties: ~~Provided, That the State Fire Marshal, or other person authorized to act under this subsection, shall at all times work under the direct supervision of the requesting officer.~~

~~(e)(d)~~ *Enforcement of rules.* — The State Fire Marshal shall enforce the rules promulgated by the State Fire Commission as authorized by this article and §15A-11-1 *et seq.* of this code.

~~(d)(e)~~ *Inspections generally.* — The State Fire Marshal shall ~~inspect~~ cause the inspection of all structures and facilities, other than one- and two-family dwelling houses, subject to the State Fire Code and this article, including, but not limited to, state, county, and municipally owned institutions, all public and private schools, health care facilities, theaters, churches, and other places of public assembly to determine whether the structures or facilities are in compliance with

the State Fire Code.

~~(e)~~(f) *Right of entry.* — The State Fire Marshal, and any employee approved by the State Fire Marshal, may, at any hour necessary, enter any building or premises, other than dwelling houses, for the purpose of making an inspection which he or she may consider necessary under the provisions of this article. The State Fire Marshal and any ~~deputy state fire marshal or assistant state fire marshal~~ employee approved by the State Fire Marshal may enter upon any property, or enter any building, structure, or premises, including dwelling houses during construction and prior to occupancy, for the purpose of ascertaining compliance with the conditions set forth in any permit or license issued by the office of the State Fire Marshal pursuant to §15A-10-7 or §29-3B-1 *et seq.* of this code.

~~(f)~~(g) *Investigations.* — The State Fire Marshal, Chief Deputy, or any deputy fire marshal (1) may, at any time, investigate or cause an investigation to occur to determine ~~as to the~~ origin and ~~circumstances~~ cause of any fire or explosion or attempt to cause fire or explosion occurring in the state. The State Fire Marshal has the authority at all times of the day or night, in performance of the duties imposed by the provisions of this article, to investigate where any fires or explosions or attempt to cause fires or explosions may have occurred, or which at the time may be burning;

(2) Shall, at any time, investigate any death or injuries occurring due to fire in this state; Provided, that any municipality employing Municipal Fire Marshals as specified in §8-15-1 of this code may investigate deaths or injuries occurring due to fire in that municipality, but shall make notification to the Office of the State Fire Marshal within 48 hours of the death occurring or being discovered;

(3) May investigate or cause an investigation of any person or business violating the provisions of this article or of the chapters and articles of this code under the authority of the State Fire Marshal or State Fire Commission; and

(4) May investigate or cause an investigation of violations of this code committed against

76 recognized fire departments of this state.

77 Notwithstanding the above provisions of this subsection, prior to entering any building or
78 premises for the purposes of the investigation, the State Fire Marshal shall obtain a proper search
79 warrant: *Provided*, That a search warrant is not necessary where there is permissive waiver or the
80 State Fire Marshal is an invitee of the individual having legal custody and control of the property,
81 building or premises to be searched.

82 ~~(g)~~(h) *Testimony.* — The State Fire Marshal, in making an inspection or investigation when
83 in his or her judgment the proceedings are necessary, may take the statements or testimony under
84 oath of all persons who may be cognizant of any facts or have any knowledge about the matter to
85 be examined and inquired into and may have the statements or testimony reduced to writing; and
86 shall transmit a copy of the statements or testimony so taken to the prosecuting attorney for the
87 county wherein the fire or explosion or attempt to cause a fire or explosion occurred.
88 Notwithstanding the above, no person may be compelled to testify or give any statement under
89 this subsection.

90 ~~(h) *Arrests; warrants.* — The State Fire Marshal, any full-time deputy fire marshal, or any~~
91 ~~full-time assistant fire marshal employed by the State Fire Marshal pursuant to this article is~~
92 ~~hereby authorized and empowered and any person deputized pursuant to this article may be~~
93 ~~authorized and empowered by the State Fire Marshal:~~

94 ~~(1) To arrest any person anywhere within the confines of the State of West Virginia, or have~~
95 ~~him or her arrested, for any violation of the arson-related offenses of §61-3-1 et seq. of this code or~~
96 ~~of the explosives-related offenses of §61-3E-1 et seq. of said code: *Provided*, That any and all~~
97 ~~persons so arrested shall be forthwith brought before the magistrate or circuit court: *Provided*,~~
98 ~~however, That the State Fire Marshal, any full-time deputy fire marshal or any full-time assistant~~
99 ~~fire marshal is authorized to arrest persons for violations of §61-5-17 of this code.~~

100 ~~(2) To make complaint in writing before any court or officer having jurisdiction and obtain,~~
101 ~~serve, and execute an arrest warrant when knowing or having reason to believe that anyone has~~

~~committed an offense under any provision of this article, of the arson-related offenses of §61-3-1 et seq. of this code or of the explosives-related offenses of §61-3E-1 et seq. of this code. Proper return shall be made on all arrest warrants before the tribunal having jurisdiction over the violation.~~

~~(3) To make a complaint in writing before any court or officer having jurisdiction and obtain, serve, and execute a warrant for the search of any premises that may possess evidence or unlawful contraband relating to violations of this article, of the arson-related offenses of §61-3-1 et seq. of this code or of the explosives-related offenses of §61-3E-1 et seq. of said code. Proper return shall be made on all search warrants before the tribunal having jurisdiction over the violation.~~

~~(4) Any member of the West Virginia State Police, Natural Resources police officer, or any county or municipal law enforcement officer may assist, upon request, the State Fire Marshal or any of his or her employees authorized to enforce the provisions of this section in any duties for which the State Fire Marshal has jurisdiction.~~

(i) Witnesses and oaths. — The State Fire Marshal may issue subpoenas and subpoenas duces tecum to compel the attendance of persons before him or her to testify in relation to any matter which is, by the provision of this article, a subject of inquiry and investigation by the State Fire Marshal and cause to be produced before him or her such papers as he or she may require in making the examination. The State Fire Marshal may administer oaths and affirmations to persons appearing as witnesses before him or her. False swearing in any matter or proceeding is considered perjury and is punishable as perjury.

(j) Deputizing members of fire departments in this state. — The State Fire Marshal may deputize a member of any fire department, duly organized and operating in this state, who is approved by the chief of his or her department and who is properly qualified to act as his or her assistant for the purpose of making inspections with the consent of the property owner or the person in control of the property and the investigations as may be directed by the State Fire Marshal, and the carrying out of orders as may be prescribed by him or her, to enforce and make

effective the provisions of this article and any and all rules promulgated by the State Fire Commission under authority of this article: *Provided*, That in the case of a volunteer fire department, only the chief thereof or his or her single designated assistant may be so deputized.

(k) *Written report of examinations.* — The State Fire Marshal shall, at the request of the county commission of any county or the municipal authorities of any incorporated municipality in this state, make to them a written report of the examination made by him or her regarding any fire happening within their respective jurisdictions.

(l) *Report of losses by insurance companies.* — Each fire insurance company or association doing business in this state, within 10 days after the adjustment of any loss sustained by it that exceeds \$1,500, shall report to the State Fire Marshal information regarding the amount of insurance, the value of the property insured, and the amount of claim as adjusted. This report is in addition to any information required by the State Insurance Commissioner. Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall report in writing to the owner or insurer the result of the examination regarding the property.

(m) *Issuance of permits and licenses.* — The State Fire Marshal may issue permits, documents, and licenses in accordance with the provisions of this article or §29-3B-1 *et seq.* of this code: *Provided*, That unless otherwise provided, the State Fire Marshal shall take final action upon any completed permit applications within 30 days of receipt if the application is uncontested, or within 90 days if the application is contested. The State Fire Marshal may require any person who applies for a permit to use explosives, other than an applicant for a license to be a pyrotechnic operator under §29-3E-6 of this code, to be fingerprinted and to authorize the State Fire Marshal to conduct a criminal records check through the Criminal Identification Bureau of the West Virginia State Police and a national criminal history check through the Federal Bureau of Investigation. The results of any criminal records or criminal history check shall be sent to the State Fire Marshal.

(n) *Issuance of citations for fire and life safety violations.* — The State Fire Marshal, the

Chief Deputy, and any deputy fire marshal, ~~and any assistant fire marshal~~ employed pursuant to this article are authorized, and any person deputized pursuant to subsection (j) of this section may be authorized by the State Fire Marshal to issue citations, in his or her jurisdiction, for fire and life safety violations of the State Fire Code and as provided for by the rules promulgated by the State Fire Commission in accordance with §15A-11-1 *et seq.* of this code: *Provided*, That a summary report of all citations issued pursuant to this section by persons deputized under subsection (j) of this section shall be forwarded monthly to the State Fire Marshal in the form and containing information as he or she may by rule require, including the violation for which the citation was issued, the date of issuance, the name of the person issuing the citation, and the person to whom the citation was issued. The State Fire Marshal may at any time revoke the authorization of a person deputized pursuant to subsection (j) of this section to issue citations, if in the opinion of the State Fire Marshal, the exercise of authority by the person is inappropriate.

Violations for which citations may be issued include, but are not limited to:

- (1) Overcrowding places of public assembly;
- (2) Locked or blocked exits in public areas;
- (3) Failure to abate a fire hazard;
- (4) Blocking of fire lanes or fire department connections; and
- (5) Tampering with, or rendering inoperable, except during necessary maintenance or repairs, on-premise firefighting equipment, fire detection equipment, and fire alarm systems.

(o) *Required training; liability coverage.* — No person deputized pursuant to subsection (j) of this section may be authorized to issue a citation unless that person has satisfactorily completed the mandatory training as described in §15A-10-1 of this code, or a law-enforcement officer training course designed specifically for fire marshals. The course shall be approved by the Law-enforcement Training Subcommittee of the Governor's Committee on Criminal Justice and Highway Safety and the State Fire Commission. In addition, no person deputized pursuant to subsection (j) of this section may be authorized to issue a citation until evidence of liability

coverage of the person has been provided, in the case of a paid municipal fire department, by the municipality wherein the fire department is located, or in the case of a volunteer fire department, by the county commission of the county wherein the fire department is located, or by the municipality served by the volunteer fire department and that evidence of liability coverage has been filed with the State Fire Marshal.

(p) *Statewide contracts.* — The State Fire Marshal may cooperate with the Department of Administration, Purchasing Division, to establish one or more statewide contracts for equipment and supplies utilized by fire companies and departments in accordance with §5A-3-1 *et seq.* of this code.

(1) Any statewide contract established hereunder shall be made available to any fire company and department in this state, as well as any other state agency or political subdivision that has a need for the equipment or supplies included in those contracts.

(2) The State Fire Marshal may develop uniform standards for equipment and supplies used by fire companies and departments in accordance with §5A-3-1 *et seq.* of this code.

(3) The State Fire Commission shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection.

(q) *Penalties for violations.* — Any person who violates any fire and life safety rule of the State Fire Code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in jail not more than 90 days, or both fined and confined. Every day during which any violation of the provisions of this article continues after knowledge or official notice that it is illegal is a separate offense.

(r) The State Fire Marshal, the Chief Deputy, and any full-time deputy fire marshal, ~~or any full-time assistant fire marshal~~ employed by the State Fire Marshal, pursuant to this article may shall carry a firearm while acting in the course of his or her official duties, if

(1) He or she has successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification

course provided at the West Virginia State Police Academy; and

(2) He or she is in uniform.

The ~~person~~ shall thereafter successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule.

The State Fire Marshal may reimburse them ~~person~~ for the cost of the training and requalification.

(3) Qualified personnel may carry firearms off duty if they are in compliance with the provisions of §30-29-12 of this code.

(s) Mutual Aid.-- Any member of the West Virginia State Police, Natural Resources police officer, or any county or municipal law-enforcement officer may assist, upon request, the State Fire Marshal, Chief Deputy, deputy fire marshal, or any of his or her employees authorized to enforce the provisions of this section in any duties for which the State Fire Marshal has jurisdiction.

§15A-10-6. Responsibilities of insurance companies in fire loss investigation.

(a) The State Fire Marshal, Chief Deputy or any deputy ~~or assistant~~ fire marshals under the authority of the fire marshal may request any insurance company investigating a fire loss of real or personal property to release any information in its possession relative to that loss. The company shall release the information and cooperate with any official authorized to request such information pursuant to this section. The information shall include, but not be limited to:

(1) Any policy in force;

(2) Any application for a policy;

(3) Premium payment records;

(4) History of previous claims; and

(5) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence.

(b) Any insurance company shall notify the State Fire Marshal if it has reason to believe, based on its investigation of a fire loss to real or personal property, that the fire was caused by other than accidental means. The company shall furnish the State Fire Marshal with pertinent

information acquired during its investigation and cooperate with the courts and administrative agencies of the state, and any official mentioned, or referred to, in subsection (a) of this section.

(c) In the absence of fraud, no insurance company or person who furnishes information on its behalf, shall be liable for any oral or written statement or any other action necessary to supply information required pursuant to this section.

(d) Any information furnished pursuant to this section shall be held in confidence, and is exempt from the provisions of §29B-1-1 *et seq.* of this code, until such time as its release may be required pursuant to a criminal proceeding.

(e) Any official mentioned, or referred to, in subsection (a) of this section may be required to testify as to any information in his or her possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

§15A-10-25. Awarding service weapon upon retirement of fire marshal or service weapon.

(a) Upon the retirement of a State Fire Marshal, Chief Deputy, or any full-time deputy fire marshal, ~~or any full-time assistant fire marshal~~ employed by the State Fire Marshal pursuant to this article shall award to the retiring member his or her service weapon, without charge, upon determining:

(1) That the retiring employee is retiring honorably with at least 10 years of service; or

(2) The retiring employee is retiring with less than 10 years of service based upon a determination that the employee is totally physically disabled as a result of his or her service with the State Fire Marshal.

(b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Marshal shall not award a service weapon to any employee whom the State Fire Marshal: (1) Knows is prohibited from possessing a firearm by state or federal law; (2) has reason to believe such retiring employee to be mentally incapacitated; or (3) has reason to believe the retiring employee constitutes a danger to any person or the community.

(c) If a service weapon is taken out of service due to routine wear, the State Fire Marshal may offer the service weapon for sale to any active or retired State Fire Marshal, Chief Deputy, or any full-time deputy fire marshal, ~~or any full-time assistant fire marshal~~ at fair market value, with the proceeds from any sales used to offset the cost of new service weapons. The disposal of service weapons pursuant to this subsection does not fall within the jurisdiction of the Purchasing Division of the Department of Administration.

§15A-10-26. Right of retired Deputy Fire Marshal to receive complete uniform and badge.

A Deputy Fire Marshal, upon honorable retirement, is authorized to maintain a complete standard uniform from the agency and shall be issued an identification card indicating his or her honorable retirement from the Office of the State Fire Marshal. The uniform may be worn by the Deputy Fire Marshal in retirement only on the following occasions: Police Officer's Memorial Day, Firefighter's Memorial Day, Law Enforcement Appreciation Day, at the funeral of a law-enforcement officer or firefighter, or during any other police or fire ceremony. The honorably retired deputy fire marshal is authorized to acquire a badge of the Office of the State Fire Marshal with the word "retired" placed on it.

NOTE: The purpose of this bill is to clarify the role and term of service of the State Fire Marshal; clarify the responsibilities of chief deputy fire marshal and deputy fire marshal; specify salaries for law enforcement employed by the Office of State Fire Marshal; modify the role of assistant fire marshal; and recognize certain rights of the retired Deputy Fire Marshal.

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