

# 2001 SESSION

INTRODUCED

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## HOUSE BILL NO. 2598

Offered January 10, 2001

Prefiled January 10, 2001

*A BILL to amend and reenact § 27-15.1 of the Code of Virginia, relating to authority of fire officers at an emergency incident.*

Patron—Putney

Referred to Committee on General Laws

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That § 27-15.1 of the Code of Virginia is amended and reenacted as follows:**

§ 27-15.1. Authority of chief or other officer in charge when answering alarm or operating at an emergency incident; penalty for refusal to obey orders.

While any fire department or fire company is in the process of answering an alarm or operating at an emergency incident where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials ~~which~~ *that* threaten life or property ~~and~~ *or* returning to the station, the chief or other officer in charge of such fire department or company at that time shall have the authority to: (i) maintain order at such emergency incident or its vicinity, (ii) direct the actions of the fire fighters at the incident, (iii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891, keep bystanders or other persons at a safe distance from the incident and emergency equipment, (iv) facilitate the speedy movement and operation of emergency equipment and fire fighters, (v) cause an investigation to be made into the origin and cause of the incident, and (vi) until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic; *however, the owner or occupant of the affected property shall not be denied access thereto where such access does not unreasonably interfere with the duties of the fire department or fire company. Any such entry by the owner or occupant shall be at the owner's or occupant's own risk.* The fire chief or other officer in charge shall display his fire fighter's badge, or other proper means of identification. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of emergency equipment at a fire station. Any person or persons refusing to obey the orders of the fire chief or his deputies or other officer in charge at that time shall be guilty of a Class 4 misdemeanor. The chief or other officer in charge shall have the power to make arrests for violation of the provisions of this section. The authority granted under the provisions of this section may not be exercised to inhibit or obstruct members of law-enforcement agencies or rescue squads from performing their normal duties when operating at such emergency incident, nor to conflict with or diminish the lawful authority, duties and responsibilities of forest wardens, including but not limited to the provisions of Chapter 11 (§ 10.1-1100 *et seq.*) of Title 10.1. Personnel from the news media, such as the press, radio and television, when gathering the news may enter at their own risk into the incident area only when the officer in charge has deemed the area safe and only into those areas of the incident that do not, in the opinion of the officer in charge, interfere with the fire department or rescue workers dealing with such emergencies, in which case the chief or other officer in charge may order such person from the scene of the emergency incident.

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