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## SENATE BILL NO. 390

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend and reenact §§ 27-6.1, 27-13, 27-14, 27-15.1, 27-20, 27-34 and 27-85.4 of the Code of Virginia, relating to the fire and emergency medical departments and companies; director of fire and emergency medical services.*

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Referred to Committee on General Laws and Technology

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

**1. That §§ 27-6.1, 27-13, 27-14, 27-15.1, 27-20, 27-34 and 27-85.4 of the Code of Virginia are amended and reenacted as follows:**

§ 27-6.1. Establishment of fire/EMS department; chief, officers and employees.

The governing body of any city, town or county may establish as a department of government a fire/EMS department and may designate it by any name consistent with the names of its other governmental units. The head of such fire department shall be known as "the chief;" or "*the director.*" As many other officers and employees may be employed in such fire/EMS department as the governing body may approve.

§ 27-13. Appointment of chief or director and other officers.

In every city, town or county in which there is any such company, there shall be appointed, at such time and in such manner as the governing body of such city, town or county may prescribe, a chief or *director* and as many other officers as such governing body may direct.

§ 27-14. Ordinances as to fire/EMS departments, etc.

A. Such governing body may make such ordinances in relation to the powers and duties of fire/EMS departments, companies, chiefs or *directors* and other officers as it may deem proper.

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

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

While any fire/EMS department or fire/EMS 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 threaten life or property and returning to the station, the chief, *director*, or other officer in charge of such fire/EMS 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 or emergency medical services personnel 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 or emergency medical services personnel, (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. The fire chief, *director*, or other officer in charge shall display his fire fighter's or emergency medical services personnel'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/EMS station. Any person or persons refusing to obey the orders of the chief, *director*, or his deputies or other officer in charge at that time shall be guilty of a Class 4 misdemeanor. The chief, *director*, 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 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/EMS department or fire fighters or emergency medical services personnel dealing with such emergencies, in

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59 which case the chief or other officer in charge may order such person from the scene of the emergency  
60 incident.

61 § 27-20. Destruction of property to prevent spread of fire.

62 The chief, *director*, or other officer commanding in his absence, may direct the pulling down or  
63 destroying of any fence, house, or other thing which he may judge necessary to be pulled down or  
64 destroyed, to prevent the further spreading of a fire, and for this purpose may require such assistance  
65 from all present as he shall judge necessary.

66 § 27-34. Duties and powers at fires.

67 Whenever any fire occurs, it shall be the duty of such fire marshal or his designated representative to  
68 be present at the same and advise and act in concert with such officers of police as may be present; and,  
69 for preserving order at and during the existence of such fire, and for the protection of property, he shall  
70 have concurrent powers with the officers of police, and the chief, *director*, or other officer in charge, but  
71 shall not exercise any authority which will conflict with the powers of any chief, *director*, or other  
72 officer in command of any fire department in the discharge of his special duties as such.

73 § 27-85.4. Definitions.

74 For the purposes of this article:

75 "Authorized agencies" means

76 i. The chief *or director* of any municipal or county fire or police department or the sheriff of any  
77 county;

78 ii. The arson investigator of the State Police Department; the Alcohol, Tobacco and Firearms  
79 Division of the United States Department of the Treasury; or

80 iii. The attorney for the Commonwealth or other person responsible for prosecutions in the  
81 jurisdiction where the fire occurred.

82 "Action" includes nonaction or the failure to take action.

83 "Insurance company" includes the Virginia Property Insurance Association.