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SENATE BILL NO. 873

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 16, 2017)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact § 27-15.1 of the Code of Virginia, relating to the authority of a fire chief over unmanned aircraft at a fire, explosion, or other hazardous situation.

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; penalty for refusal to obey orders.

While any fire department or fire company is in the process of answering an alarm where there is imminent danger or the actual occurrence of fire or explosion or the uncontrolled release of hazardous materials that threaten life or property and returning to the station, the chief or other officer in charge of such fire department or fire company at that time shall have the authority to (i) maintain order at such emergency incident or its vicinity, *including the immediate airspace*; (ii) direct the actions of the firefighters 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 firefighters; (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 or other officer in charge shall display his firefighter'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 chief or other officer in charge at that time is 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 emergency medical services agencies 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 fire company, firefighters, or emergency medical services personnel 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.

2. That the Department of Fire Programs and the Virginia Department of Health shall jointly develop guidelines for public safety agencies regarding the use and management of privately owned unmanned aircraft systems as defined in § 19.2-60.1, including guidance for banning or restricting the uses of such systems, in order to maintain order during emergency incidents or in the vicinity of emergency incidents.

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