

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1238

By: Representatives Landers, Mitchell, McCoy, Easley & Mullenix

"AN ACT AN ACT TO CREATE THE ARKANSAS FIRE PROTECTION SERVICES BOARD AND THE OFFICE OF FIRE PROTECTION SERVICES; TO ESTABLISH A SYSTEM OF CERTIFICATION AND CLASSIFICATION OF FIRE DEPARTMENTS; TO LIMIT THE CIVIL LIABILITY OF CERTIFIED FIRE DEPARTMENTS; TO PROVIDE WORKERS' COMPENSATION COVERAGE FOR VOLUNTEER FIREFIGHTERS OF CERTIFIED FIRE DEPARTMENTS IN RURAL AREAS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. It is hereby found and determined by the General Assembly of the State of Arkansas that a system of certification and classification of fire departments should be established to encourage the improvement of the fire protection services in this State and to provide the people of this state with information about the level of service they are receiving. It is further found and determined that the public policy of this State should be to encourage individuals and organizations to provide fire protection services and that to further this policy workers' compensation coverage should be extended to volunteer firefighters of rural fire departments and that the civil liability of certified fire departments and their firefighters should be limited.

SECTION 2. For the purpose of this Act:

(a) "Board" means the State Fire Protection Board.

(b) "Director" means the Director of the Office of the Fire Protection Services.

(c) "Fire department" means any organization established primarily for the prevention and extinguishment of fires, including but not limited to fire departments organized under an improvement district, private fire departments,

volunteer fire departments and municipal fire departments.

(d) "Certified fire department" means any fire department certified by the Director of the Office of Fire Protection Services as meeting minimum standards prescribed by this Act.

(e) "Firefighter" means any paid or volunteer member of a fire department.

SECTION 3. (a) There is hereby created the Arkansas Fire Protection Services Board. The Board shall be composed of seven (7) members. The State Insurance Commissioner or his designee shall serve as a member of the Board. The remaining six (6) members of the Board shall serve for terms of three (3) years and shall be appointed as follows:

(1) the Governor shall appoint four (4) members with one (1) member from each Congressional district in the State. Two (2) of the members appointed by the Governor shall be representatives of rural fire departments, paid or volunteer departments, and two (2) shall be representatives of municipal fire departments;

(2) one (1) member shall be appointed by the State Forestry Commission; and

(3) one (1) member shall be appointed by the Arkansas Fire Training Academy Board.

The initial Board members, other than the State Insurance Commissioner or his designee, shall serve such terms to be determined by lot as necessary to result in the term of two (2) members expiring each year.

(b) The Board shall annually elect a Chairman. The Board shall meet at the call of the Chairman or a majority of the members of the Board. A majority of the members shall constitute a quorum.

(c) Vacancies occurring on the Board shall be filled by an appointment for the duration of the unexpired term. The appointment shall be made in the same manner as prescribed for the vacated position.

(d) The members of the Board shall serve without pay but shall be reimbursed for expenses in the same amount and in the same manner as provided by law for State employees.

(e) The State Fire Protection Services Board shall:

(1) Establish a system for the Classification of fire departments as to their level of service.

(2) Establish a system of identification for fire fighters of certified fire departments for the purpose of assisting firefighters to carry out their duties.

(3) Assist fire departments with training programs and assist with the establishment and upgrading of fire departments.

(4) Promote the exchange of information among fire departments and state agencies.

(5) Establish such other reasonable rules and regulations as may be necessary for the purposes of this Act.

SECTION 4. There is hereby created the Office of Fire Protection Services. The Office shall administer the functions of the Board. The Board shall employ a Director to be the executive head of the Office of Fire Protection Services and to perform the Board's administrative duties. The Director may employ staff members to perform the duties of the Office.

SECTION 5. (a) All fire departments in this State shall register with the Director of the Office of Fire Protection Services once every two (2) years for the purpose of classification.

(b) Any fire department meeting the minimum standards prescribed by this section shall be entitled to certification by the Office of Fire Protection Services. The certification shall be effective for a period of two years.

(c) The standards for certification shall be as follows:

(1) The department shall maintain a fire truck meeting the following equipment standards:

(A) carry 300 gallons of water;

(B) capable of delivering 50 gpm at 100 psi nozzle pressure;

(C) have adjustable fog-stream nozzles;

(D) have a minimum of 150 feet of 1-inch booster hose and 150 feet of 1|-inch canvas hose; and

(E) have 2-20ABC fire extinguishers.

(2) The department shall have a 24-hour notification system with the capability of notifying at least ten (10) firefighters.

(3) The department shall maintain a building to house and protect the fire apparatus from the elements.

(4) All firefighters of the department must successfully complete

an "introduction to fire fighting" course or an equivalent course approved by the Arkansas Fire Training Academy.

(5) Firefighters of the department shall maintain a minimum of two (2) hours per month of certifiable training meeting the standards of the Arkansas Fire Training Academy.

(6) The fire department shall file with the Board a map illustrating the fire department's boundaries. If the fire department operates outside of the boundaries of a municipality, the fire department shall file proof that the boundaries have been approved by the Quorum Court of each county served.

SECTION 6. The actions of the Board and of the Office of Fire Protection Services shall be subject to the Administrative Procedure Act, Act 434 of 1967, as amended.

SECTION 7. Beginning August 1, 1987, it shall be unlawful for any fire department to collect a fee or membership dues unless the fire department is registered with the Director of the Office of Fire Protection Services. Any fire department violating this Section shall be guilty of a misdemeanor and subject to a fine not to exceed \$100.00 for each violation.

SECTION 8. Certified fire departments and their firefighters shall have the authority to do all acts reasonably necessary to extinguish fires and protect life and property.

SECTION 9. (a) Any certified fire department that does not have tort immunity as provided by State law shall be subject to limited liability as provided in this Section.

(b) Certified fire departments entitled to limited liability under this Section shall not be liable for damages to persons or property resulting from an act or omission of the fire department or the firefighter in the performance of the department's functions if the act or omission did not constitute gross negligence, wanton conduct or intentional wrongdoing.

SECTION 10. For the purpose of workers' compensation coverage in cases of injury to or death of an individual, volunteer firefighters of certified fire departments, other than municipal fire departments, who meet the requirements

of this section shall be deemed county employees and shall receive compensation and their survivors shall receive death benefits in a like manner as regular county employees for injury or death arising out of and in the course of their activities as firefighters. Volunteer firefighters requesting workers' compensation coverage shall annually file, with the county clerk, evidence that:

(a) the firefighter has met the minimum training standards required for firefighters of certified fire departments; and

(b) the volunteer firefighter is a member of a certified fire department other than a municipal fire department.

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

