

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/10/87

HOUSE BILL 1600

By: Representatives Mitchum, Landers and Bryan AS ENGROSSED 3/25/87

"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 Fire Protection Services.

(c) "Fire Department" means any organization established for the prevention or extinguishment of fires, including but not limited to fire departments organized under an improvement district, private fire departments and volunteer 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 the State Fire Protection Board.

(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 nine (9) members to be appointed by the Governor. Three (3) of the Board members shall be members of rural fire departments; three (3) members shall represent municipal fire departments; one (1) member shall be a representative of a municipal volunteer fire department; one (1) member shall be from the insurance industry; and one (1) member shall be from industry in this state. The members of the Board shall serve three (3) year terms, except that the initial Board members shall serve such terms to be decided by lot as necessary to result in the term of three (3) members expiring each year. Each Board member shall hold office until his successor is appointed and qualified.

(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) The Governor shall fill vacancies occurring on the Board with appointments for the duration of the unexpired term.

(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) Prescribe by regulation minimum standards for the certification of fire departments and standards for the classification of fire departments as to their level of service, including but not limited to standards for training levels for firefighters of fire departments minimum levels of equipment and minimum performance standards.

(2) Establish a system of identification for firefighters 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) Fire departments in this State may apply for annual certification and classification by the Director of the Office of Fire Protection Services. Each fire department applying for certification shall submit such information as may be required by the Director to determine whether the fire department meets minimum certification standards and to classify the department as to its level of service.

(b) Until the Board adopts certification standards, any fire department shall be entitled to certification upon registering with the Board. Certification under this subsection shall be effective until six (6) months after the adoption of the certification standards by the Board.

(c) Firefighters shall maintain a minimum of six (6) hours per quarter and at least a minimum of twenty-four (24) hours per year of certifiable training meeting the standards of the Arkansas Fire Training Academy.

SECTION 6. Certified fire departments and their firefighters shall have the authority to do all acts reasonably necessary to extinguish fires and protect life and property from fire.

SECTION 7. (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 immunity 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 occurring at the scene of a reported fire and related to the suppression of the reported fire

if the act or omission did not constitute gross negligence, wanton conduct or intentional wrongdoing.

SECTION 8. (a) 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 minimum 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:

(1) the firefighter has met the minimum training standards recommended by the State Fire Protection Board; and

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

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Tommy E. Mitchum

