



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/5/2022 12:15:40 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Fire Commission TITLE-SERIES: 87-11
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Specialized Membership
CITE STATUTORY AUTHORITY: W. Va. Code 15A-11-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB 4141

Section 64-6-2(d) Passed On 3/9/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 11
SPECIALIZED MEMBERSHIP**

§87-11-1. General.

1.1. Scope. -- This rule establishes the parameters for specialized, non-fire fighter, membership of a fire department.

1.2. Authority. -- W. Va. Code §15A-11-8.

1.3. Filing Date. -- May 5, 2022.

1.4. Effective Date. -- August 1, 2022.

1.5 Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, 2027.

§87-11-2. Specialized Membership.

2.1. Any Volunteer Fire Department wishing to allow a person to join its department, in any specialized role, and not as a fire fighter, must inform the Commission of:

2.1.a. The person's full name;

2.1.b. The person's specialized skill;

2.1.c. The person's training obtained to be able to perform the specialized skill, including:

2.1.c.1. What training was completed;

2.1.c.2. Where the training was received;

2.1.c.3. The name of the provider;

2.1.c.4. The dates of the training; and,

2.1.c.5. a statement as to how the training is sufficient to perform the specialized function

2.2. The Department shall include with the information listed in subdivision 2.1. a notarized affirmation by the Chief of the Department that the Specialized member will not be permitted to participate in firefighting, or other activity in which that person is not trained appropriately.

2.3. All Departments must maintain a listing of specialized membership, and what each person's specialization is at all times, and have it available for review at any inspection or evaluation that is conducted.

2.4. If a person is already a specialized member, and that person wishes to have more than one

specialization for the Department, the Department must complete the steps listed in this section for each specialization for each non-fire fighter member.

§87-11-3. Review and Approval or Denial of Specialized Members.

3.1. The Commission, when it receives notice from a fire department as described in section 2 of this rule, shall review the materials presented for completeness. Following this review, the Commission shall determine the following:

3.1.a. If there is an applicable NFPA standard for the specialized training, the Commission shall review the training to ensure that the training met the applicable standard. The Commission may contact the training entity for any information it deems necessary to make this determination.

3.1.b. If there is not an applicable NFPA standard for the specialized training, the Commission shall make any inquiries it deems necessary to determine if the training satisfies the minimum standard for that specialization.

3.2. If the Commission believes that the information submitted is sufficient, and that the training completed reaches the acceptable recognized standard, the Department will be notified that membership for that person is allowed to join the department as a specialized member with that specialty.

3.3. If the Commission believes that the information submitted is not sufficient to cause the commission to believe that the training received reaches the acceptable recognized standard, the Department will be notified that the membership for that person is not allowed as a specialized member with that specialty.

3.4. Any Decision made pursuant to subdivision 3.2. or 3.3. of this section is the sole discretion of the Commission and is not subject to review by any other means, and no appeal is available.