

H. B. 4533

(By Delegates Boggs and White)

[Introduced February 15, 2012; referred to the

Committee on Political Subdivisions then Finance.]

10 A BILL to amend and reenact §7-1-3d of the Code of West Virginia,  
11       1931, as amended, relating to allowing county fire companies  
12       and departments to charge reasonable reimbursement fees for  
13       personnel and equipment used in performing fire fighting  
14       services, victim rescue or cleanup of debris or hazardous  
15       materials by department personnel without county commission  
16       approval, unless otherwise restricted by a county ordinance  
17       addressing the reimbursement.

18 Be it enacted by the Legislature of West Virginia:

19        That §7-1-3d of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

22 §7-1-3d. Levy for, establishment and operation of fire prevention  
23 units: financial aid.

1       (a) The county commission in any county may levy for and may  
2 erect, maintain and operate fire stations and fire prevention units  
3 and equipment therefor in the county: *Provided*, That if a county  
4 commission establishes a separate fire protection unit in any city  
5 in West Virginia that is now operating under the ~~provisions of the~~  
6 ~~state civil service Act provisions of article fifteen, chapter~~  
7 ~~eight of this code~~ for paid fire departments, then the new unit  
8 shall be operated in accordance with the provisions of ~~the civil~~  
9 ~~service act that article.~~ Any county commission may render  
10 financial aid to any one or more public fire protection facilities  
11 in operation in the county for the general benefit of the public in  
12 the prevention of fires. ~~Any county commission may also authorize~~

13       (b) Volunteer fire companies or paid fire departments ~~to may~~  
14 charge reasonable reimbursement fees for personnel and equipment  
15 used in performing fire fighting services, victim rescue or cleanup  
16 of debris or hazardous materials by department personnel. ~~The rate~~  
17 ~~for any such fees to be charged to property owners or other persons~~  
18 ~~responsible or liable for payment for such services must be~~  
19 ~~approved by the county commission and must be reasonable:~~  
20 ~~Provided, however, That~~ No fee for any single incident or accident  
21 ~~shall may exceed \$500 \$1,000 except an incident or accident~~  
22 involving hazardous materials. ~~The county commission shall require~~  
23 ~~that any fees charged pursuant to the authority conferred by this~~  
24 ~~section must be in writing and be itemized by specific services~~

1 ~~rendered and the rate for each service.~~

2       (c) A county commission may by ordinance:

3       (1) Prohibit the seeking of reimbursement or change the  
4 amount, provided in subsection (b) of this section, a fire company  
5 or department may seek as reimbursement; and

6       (2) Provide procedures that a fire company or department is  
7 required to follow in order to seek reimbursement.

8       (d) In the absence of an ordinance, any fees charged by a fire  
9 company or department must be in writing and itemized by the  
10 specific services rendered and the rate for each service.

11      (e) A fire company or department may not refuse to provide its  
12 usual services due to either the fact that a person has not paid a  
13 fee charged under this section or a perception that a potential  
14 responsible party might not be able to pay a fee charged under this  
15 section.

NOTE: The purpose of this bill is to allow county fire companies and departments to charge reasonable reimbursement fees for personnel and equipment used in performing fire fighting services, victim rescue or cleanup of debris or hazardous materials by department personnel without county commission approval, unless otherwise restricted by a county ordinance addressing the reimbursement.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.