

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 5029**

By Delegates Ferrell, Mallow, Phillips, Statler, T.

Howell, Toney, Jennings, and Shamblin

[Introduced February 02, 2026; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended, relating to  
2 changing the time in which to pay charges levied for services by a county fire prevention  
3 unit from 75 days to 180 days.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE            1.            COUNTY            COMMISSIONS            GENERALLY.**

**§7-1-3d. Levy for, establishment, and operation of fire prevention units; financial aid.**

1            (a) The county commission in any county may:

2            (1) Levy for and erect, maintain, and operate fire stations; and

3            (2) Form county fire prevention units, and supply equipment therefor in the county:

4 *Provided*, That if a county commission establishes a separate county fire prevention unit in any city  
5 in West Virginia that is now operating under the provisions of the state civil service act for paid fire  
6 departments, then the new unit shall be operated in accordance with the provisions of the civil  
7 service act. Any such unit shall be formed and recognized under the regulations of the State Fire  
8 Commission for local fire departments.

9            (b) Any county commission may render financial aid to any one or more public fire  
10 protection facilities in operation in the county for the general benefit of the public in the prevention  
11 of fires.

12            (c) Any county commission may also authorize volunteer fire companies or paid fire  
13 departments to charge reasonable reimbursement fees for personnel and equipment used in  
14 performing firefighting services, victim rescue, or cleanup of debris or hazardous materials by  
15 department personnel.

16            (1) The rate for any such fees to be charged to property owners or other persons  
17 responsible or liable for payment for such services must be approved by the county commission  
18 and must be reasonable: *Provided*, That no fee for any single incident or accident shall exceed  
19 \$1,500, except that the fee for an incident or accident involving hazardous materials or extended

20 search and rescue and water rescue incidents may exceed this amount based on the necessary  
21 and reasonable costs incurred.

22 (2) The county commission shall require that any fees charged pursuant to the authority  
23 conferred by this section must be in writing and be itemized by specific services rendered and the  
24 rate for each service.

25 (3) Unless exempt by law, any person, partnership, corporation, or governmental agency  
26 shall be fully responsible for all charges levied by this section within ~~75~~ 180 days of the date of the  
27 response resulting in such charge. Payment to the fire department or company rendering the  
28 services shall be in full, unless a written agreement has been reached between the fire department  
29 or company and the responsible party to establish a payment schedule to satisfy all charges.

30 (4) If payment for services rendered has not been received within 90 days from the date of  
31 response, and if a payment schedule has not been established, a fire department or company may  
32 proceed in magistrate court or in other appropriate court action to recover from the responsible  
33 party all fees associated with the response, including attorney fees and court costs.

NOTE: The purpose of this bill is to change the time in which to pay charges levied for services by a county fire prevention unit from 75 days to 180 days.

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