

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5164

By Delegate Linville

Introduced February 04, 2026; referred to the

Committee on the Judiciary then Finance

1 A BILL to amend and reenact §15A-10-1, §15A-10-3, §15A-10-6 and §15A-10-25 of the Code of
2 West Virginia, 1931, as amended, and to amend the code by adding two new sections,
3 designated §15A-10-1a and §15A-10-26, all relating to generally to the qualifications and
4 responsibilities of the State Fire Marshal.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FIRE MARSHAL.

**§15A-10-1. State Fire Marshal and Office of the State Fire Marshal transferred to
Department of Homeland Security; appointment of State Fire Marshal; removal;
salary; qualifications; responsibilities; employees; equipment.**

1 (a) The State Fire Marshal and the Office of the State Fire Marshal, heretofore existing in
2 this code, are hereby continued in all respects except that all powers and duties exercised by the
3 State Fire Commission with respect to the State Fire Marshal and the Office of the State Fire
4 Marshal are terminated and all such powers and duties are hereby transferred to and vested in the
5 Department of Homeland Security except as provided otherwise in this article.

6 (b) When a vacancy occurs in the position of State Fire Marshal, the Fire Commission, at
7 the request of the Governor, shall submit a list of not more than three names to the Governor from
8 which the Governor shall make the appointment. The Governor shall appoint a State Fire Marshal,
9 from a list of names submitted by the Fire Commission. Notwithstanding the provisions of §30-29-
10 1 et seq., the State Fire Marshal employed under this article is the Chief Executive of the Office of
11 the State Fire Marshal.

12 (1) The State Fire Marshal serves at the will and pleasure of the Governor and is exempt
13 from coverage under the classified civil service system.

14 (2) If a vacancy occurs in the position, an interim State Fire Marshal may be appointed by
15 the Governor to serve until a successor can be appointed.

16 (c) The State Fire Marshal shall have a baccalaureate degree from an accredited four-year
17 college or university, or equivalent experience, and six years of full-time or part-time equivalent

18 paid or volunteer experience in fire prevention or fire safety including two years in a supervisory
19 capacity in fire prevention and fire safety.

20 (d) The State Fire Marshal, shall have full responsibility for the enforcement of fire and life
21 safety programs in this state designated to minimize fire hazards and disaster and loss of life and
22 property from these causes. These responsibilities include, but are not limited to, the
23 establishment and enforcement of fire safety practices throughout the state, preventive inspection
24 and correction activities, coordination of fire safety programs with volunteer and paid fire
25 departments, and critical analysis and evaluation of West Virginia's fire loss statistics for
26 determination of problems and solutions.

27 (e) (1) The State Fire Marshal may employ such technical, clerical, stenographic, and other
28 personnel and fix their compensation and may incur such expenses as may be necessary in the
29 performance of the duties of his or her office within the appropriation therefor. Employees of the
30 Fire Marshal's office shall be members of the state civil service system and all appointments of the
31 office shall be a part of the classified service under the civil service system. The State Fire
32 Marshal shall appoint within the Office of the State Fire Marshal the number of deputy fire
33 marshals required for proper administration of the Office of the State Fire Marshal. Any person
34 who is employed as any class of Assistant State Fire Marshal or as a Deputy State Fire Marshal on
35 the effective date of this article shall be automatically transferred to the rank of Deputy Fire
36 Marshal at the appropriate rank as determined by §15A-10-1a of this code unless he or she elects
37 to remain as an Assistant State Fire Marshal.

38 (2) Any attorney directly employed by the Office of the State Fire Marshal may, by the
39 request of the relevant prosecuting attorney, assist in the prosecution of criminal violations
40 presented by law enforcement officers of the Office.

41 (f) The State Fire Marshal may shall employ a chief deputy fire marshal, who shall be
42 classified exempt. The deputy shall have a baccalaureate degree from an accredited four-year
43 college or university, or equivalent experience, and six years of full-time ~~or part-time~~ equivalent

44 paid or volunteer experience in law enforcement, fire prevention, or fire safety including two years
45 in a supervisory capacity in law enforcement, fire prevention, and or fire safety. The Chief Deputy
46 will be responsible, for, among other assigned duties, supervision of the law enforcement officers
47 of the Office of the State Fire Marshal.

48 (g) (1) Any individual who is employed by the State Fire Marshal in the sworn position of
49 deputy fire marshal may to conduct criminal investigations or who may become actively involved in
50 matters of a criminal nature. Any such person shall first be required to pass a civil service
51 examination testing his or her competency and proficiency in the law of arrest, search and seizure,
52 and other criminal procedures relating to the powers granted to the State Fire Marshal pursuant to
53 the provisions of this article: *Provided*, That all new hires to sworn positions of Fire Marshal 1, 2, or
54 3 and deputy fire marshal, excluding the chief deputy as described in subdivision (f) of this section,
55 shall comply with the educational requirements of the law enforcement certification requirements
56 set forth in §30-29-1 *et seq.* All agency personnel detailed or assigned to law enforcement
57 activities or operations under the provisions of this section shall be known and designated as
58 deputy fire marshals and shall be under the immediate supervision and direction of the chief
59 deputy fire marshal except as otherwise may be provided. Notwithstanding the provisions of §30-
60 29-1 *et seq.*, of this code, any deputy fire marshal employed under this article is a law enforcement
61 officer.

62 (2) Any person who is employed as a Deputy Fire Marshal on the effective date of this
63 section as revised in the 2026 Legislative Session, and who is not a graduate of the West Virginia
64 Basic Police Training Course, the West Virginia State Police Cadet Training Program or other
65 approved law enforcement training academy is certifiable as having met the minimum entry level
66 law enforcement training program requirements and is exempt from the requirement of attending a
67 law enforcement training academy if the person has been employed as an assistant state fire
68 marshal or deputy state fire marshal for a period of not less than five consecutive years
69 immediately preceding the effective date of this section as revised in the 2026 Legislative

70 Session. The Deputy Fire Marshal shall attend, or have attended and satisfactorily completed, the
71 appropriate in-service training required of applicants for equivalent certification as promulgated by
72 the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on
73 Crime, Delinquency, and Correction and complete an application to the subcommittee within
74 twelve months of the effective date of this section as revised in the 2026 Legislative Session.

75 (h) The State Fire Marshal and other personnel of the State Fire Marshal's Office shall be
76 provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in
77 the same manner as provided for other state agencies.

78 (i) Notwithstanding the provisions of §30-29-1 of this code, the Office of the State Fire
79 Marshal is a law enforcement agency of this state.

§15A-10-1a. Deputy Fire Marshal, ranks; salary schedule; base pay; length of service pay; exceptions.

1 (a) Notwithstanding any provisions of this code to the contrary, the ranks of law
2 enforcement officers employed by the Office of the State Fire Marshal are State Fire Marshal,
3 Chief Deputy, first sergeant, sergeant, corporal, deputy fire marshal first class, deputy fire marshal,
4 and deputy fire marshal in training. Each officer while in uniform shall wear the insignia of rank
5 provided by the State Fire Marshal.

6 (b) Beginning July 1, 2026, and continuing thereafter, law enforcement officers employed
7 by the Office of the State Fire Marshal shall be paid the minimum annual salary based upon the
8 following schedule:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Deputy Fire Marshal in Training</u>	<u>\$42,536.00</u>
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<u>Deputy Fire Marshal (after one year)</u>	<u>\$44,461.00</u>
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<u>Deputy Fire Marshal First Class (years two through-five)</u>	<u>\$46,194.00</u>
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<u>Corporal (after seventh year)</u>	<u>\$49,174.00</u>
<u>Sergeant</u>	<u>\$51,410.00</u>
<u>First Sergeant</u>	<u>\$54,658.00</u>
<u>Captain</u>	<u>\$65,000.00</u>
<u>Chief Deputy</u>	<u>\$80,000.00</u>
<u>State Fire Marshal</u>	<u>\$90,000.00</u>

9 (c) Beginning July 1, 2026 and continuing thereafter, Assistant State Fire Marshals
10 employed by the Office of the State Fire Marshal to conduct inspections shall be paid the minimum
11 annual salary based upon the following schedule:

ANNUAL SALARY SCHEDULE (BASE PAY)

SUPERVISORY AND NONSUPERVISORY RANKS

<u>Assistant State Fire Marshal in Training</u>	<u>\$37,536.00</u>
<u>Assistant State Fire Marshal 1</u>	<u>\$39,461.00</u>
<u>Assistant State Fire Marshal 2</u>	<u>\$41,194.00</u>
<u>Assistant State Fire Marshal 3</u>	<u>\$44,174.00</u>

12 (d) Effective July 1, 2026 each deputy fire marshal shall receive and be entitled to an
13 increase in salary, based on length of service, including that heretofore and hereafter served as a
14 Deputy Fire Marshal as follows:

15 (1) For five years of service with the Office of the State Fire Marshal, a deputy fire marshal
16 shall receive a salary increase of \$600 per year payable during his or her next three years of
17 service and a like increase at three-year intervals thereafter, with these increases to be
18 cumulative. A salary increase shall be based upon the years of service as of July 1 of each year
19 and may not be recalculated until July 1 of the next year.

20 (2) Deputy fire marshals in service as of the effective date of this section shall be given
21 credit for all prior service and shall be paid according to the length of service they are entitled to
22 under the provisions of this section.

23 (3) The State Fire Marshal may set additional compensation for officers of the State Fire
24 Marshal's Office based upon, merit, additional certification, and education in amounts to be
25 provided for from the Fire Marshals Fees Fund.

26 (e) Nothing in this section prohibits other pay increases as provided under §5-5-2 of this
27 code, including, but not limited to, any across-the-board pay increase granted by the Legislature or
28 by the Governor. Any increase in the base pay for ranks authorized by the State Fire Marshal for
29 merit, additional certification, and education, will be added to, and reflected in, the minimum
30 salaries as provided by this section, and any increase authorized are retained by an officer when
31 he or she advances from one rank to another.

§15A-10-3. Additional powers, duties and authority of State Fire Marshal relating to law enforcement; statewide contracts; penalties; authority to carry firearms.

1 (a) Enforcement of laws. — The State Fire Marshal, the Chief Deputy, and any of his or her
2 assistant fire marshals or deputy fire marshals, are fully authorized to enforce the fire code, the
3 building code, this article, §15A-11-1 *et seq.* of this code, and any laws ever of the state while
4 conducting any investigation or enforcement action having to do with:

5 (1) Prevention of fire;

6 (2) The storage, sale, and use of any explosive, combustible, or other dangerous article or
7 articles in solid, flammable liquid, or gas form;

8 (3) The installation and maintenance of equipment of all sorts intended to extinguish,
9 detect, and control fires;

10 (4) The means and adequacy of exit, in case of fire, from buildings and all other places in
11 which persons work, live, or congregate, from time to time, for any purpose, except buildings used
12 wholly as dwelling houses for no more than two families;

13 (5) The suppression of arson; and

(6) Any other thing necessary to carry into effect the provisions of this article and §15A-11-1 *et seq.* of this code including, but not limited to, confiscating any materials, chemicals, items, or personal property owned, possessed, or used in direct violation of the State Fire Code.

(b) Statewide jurisdiction and authority—The State Fire Marshal, Chief Deputy and any deputy fire marshal have statewide jurisdiction and possess the authority to.

(1) Arrest on sight, without warrant or other court process, any person or persons committing a criminal offense in violation of the laws of this state, in the presence of the officer,

(A) Consistent with the provisions of §62-1-1 *et seq.* of this code; but

(B) No such arrest may be made where any form of administrative procedure is prescribed
chapter for the enforcement of the provisions of this chapter;

(2) Summon aid in making arrests or seizures or in executing warrants, notices or processes, in the same manner as sheriffs:

(3) Make a complaint in writing before any court or officer having jurisdiction, and procure and execute the warrant, when the officer knows or has reason to believe that a person has violated a law of this state. The actions of the officer have the same force and effect as if made by a sheriff;

(4) Serve and execute warrants for the arrest of any person and warrants for the search of any premises, buildings, properties, or conveyances issued by a properly constituted authority in the same manner, with the same authority, and with the same legal effect, as a sheriff; and

(5) Do all things necessary to carry into effect the provisions of this chapter.

(c) Assistance upon request. — Upon request, the State Fire Marshal shall assist any chief of any recognized fire company or department. Upon the request of any federal law-enforcement officer, State Police officer, Natural Resources police officer, or any county or municipal law-enforcement officer, the State Fire Marshal, the Chief Deputy, and any deputy state fire marshal, or ~~assistant state fire marshal~~ employed pursuant to the provisions of this article ~~and any person~~ deputized pursuant to subsection (j) of this section may assist in the lawful execution of the

40 requesting officer's official duties: ~~Provided, That the State Fire Marshal, or other person~~
41 ~~authorized to act under this subsection, shall at all times work under the direct supervision of the~~
42 ~~requesting officer.~~

43 (c) (d) Enforcement of rules. — The State Fire Marshal shall enforce the rules promulgated
44 by the State Fire Commission as authorized by this article and §15A-11-1 *et seq.* of this code.

45 (d) (e) Inspections generally. — The State Fire Marshal shall ~~inspect~~ cause the inspection
46 of all structures and facilities, other than one- and two-family dwelling houses, subject to the State
47 Fire Code and this article, including, but not limited to, state, county, and municipally owned
48 institutions, all public and private schools, health care facilities, theaters, churches, and other
49 places of public assembly to determine whether the structures or facilities are in compliance with
50 the State Fire Code.

51 (e) (f) Right of entry. — The State Fire Marshal, any Deputy Fire Marshal, or any Assistant
52 State Fire Marshal, may, at any hour necessary, enter any building or premises, other than
53 dwelling houses, for the purpose of making an inspection which he or she may consider necessary
54 under the provisions of this article. The State Fire Marshal and any deputy state fire marshal or
55 assistant state fire marshal Deputy Fire Marshal Or Assistant State Fire Marshal may enter upon
56 any property, or enter any building, structure, or premises, including dwelling houses during
57 construction and prior to occupancy, for the purpose of ascertaining compliance with the
58 conditions set forth in any permit or license issued by the office of the State Fire Marshal pursuant
59 to §15A-10-7 or §29-3B-1 *et seq.* of this code.

60 (f) (g) Investigations. — The State Fire Marshal, Chief Deputy, or any Deputy Fire Marshal

61 (1) May, at any time, investigate or cause an investigation to occur to determine as to the
62 origin and circumstances cause of any fire or explosion or attempt to cause fire or explosion
63 occurring in the state. The State Fire Marshal has the authority at all times of the day or night, in
64 performance of the duties imposed by the provisions of this article, to investigate where any fires

65 or explosions or attempt to cause fires or explosions may have occurred, or which at the time may
66 be burning.

67 (2) Shall, at any time, investigate any death or injuries occurring due to fire in this state;
68 Provided, that any municipality employing Municipal Fire Marshals as specified in §8-15-1 of this
69 code may investigate deaths or injuries occurring due to fire in that municipality, but shall make
70 notification to the Office of the State Fire Marshal within 48 hours of the death occurring or being
71 discovered.

72 (3) May investigate or cause an investigation of any person or business violating the
73 provisions of this article or of the chapters and articles of this code under the authority of the State
74 Fire Marshal or State Fire Commission.

75 (4) May investigate or cause an investigation of violations of this code committed against
76 recognized fire departments of this state.

77 Notwithstanding the above provisions of this subsection, prior to entering any building or
78 premises for the purposes of the investigation, the State Fire Marshal shall obtain a proper search
79 warrant: *Provided, That a search warrant is not necessary where there is permissive waiver or the*
80 *State Fire Marshal is an invitee of the individual having legal custody and control of the property,*
81 *building or premises to be searched.*

82 (g) (h) Testimony. — The State Fire Marshal, in making an inspection or investigation when
83 in his or her judgment the proceedings are necessary, may take the statements or testimony under
84 oath of all persons who may be cognizant of any facts or have any knowledge about the matter to
85 be examined and inquired into and may have the statements or testimony reduced to writing; and
86 shall transmit a copy of the statements or testimony so taken to the prosecuting attorney for the
87 county wherein the fire or explosion or attempt to cause a fire or explosion occurred.
88 Notwithstanding the above, no person may be compelled to testify or give any statement under
89 this subsection.

90 (h) Arrests; warrants.—The State Fire Marshal, any full-time deputy fire marshal, or any
91 full-time assistant fire marshal employed by the State Fire Marshal pursuant to this article is
92 hereby authorized and empowered and any person deputized pursuant to this article may be
93 authorized and empowered by the State Fire Marshal:

94 (1) To arrest any person anywhere within the confines of the State of West Virginia, or have
95 him or her arrested, for any violation of the arson-related offenses of §61-3-1 et seq. of this code or
96 of the explosives-related offenses of §61-3E-1 et seq. of said code: Provided, That any and all
97 persons so arrested shall be forthwith brought before the magistrate or circuit court: Provided,
98 however, That the State Fire Marshal, any full-time deputy fire marshal or any full-time assistant
99 fire marshal is authorized to arrest persons for violations of §61-5-17 of this code.

100 (2) To make complaint in writing before any court or officer having jurisdiction and obtain,
101 serve, and execute an arrest warrant when knowing or having reason to believe that anyone has
102 committed an offense under any provision of this article, of the arson-related offenses of §61-3-1 et
103 seq. of this code or of the explosives-related offenses of §61-3E-1 et seq. of this code. Proper
104 return shall be made on all arrest warrants before the tribunal having jurisdiction over the violation.

105 (3) To make a complaint in writing before any court or officer having jurisdiction and obtain,
106 serve, and execute a warrant for the search of any premises that may possess evidence or
107 unlawful contraband relating to violations of this article, of the arson-related offenses of §61-3-1 et
108 seq. of this code or of the explosives-related offenses of §61-3E-1 et seq. of said code. Proper
109 return shall be made on all search warrants before the tribunal having jurisdiction over the
110 violation.

111 (4) Any member of the West Virginia State Police, Natural Resources police officer, or any
112 county or municipal law enforcement officer may assist, upon request, the State Fire Marshal or
113 any of his or her employees authorized to enforce the provisions of this section in any duties for
114 which the State Fire Marshal has jurisdiction.

(i) Witnesses and oaths. — The State Fire Marshal may issue subpoenas and subpoenas
tecum to compel the attendance of persons before him or her to testify in relation to any
which is, by the provision of this article, a subject of inquiry and investigation by the State
Marshal and cause to be produced before him or her such papers as he or she may require in
the examination. The State Fire Marshal may administer oaths and affirmations to persons
serving as witnesses before him or her. False swearing in any matter or proceeding is
considered perjury and is punishable as perjury.

(j) Deputizing members of fire departments in this state. — The State Fire Marshal may designate a member of any fire department, duly organized and operating in this state, who is approved by the chief of his or her department and who is properly qualified to act as his or her agent for the purpose of making inspections with the consent of the property owner or the person in control of the property and the investigations as may be directed by the State Fire Marshal, and the carrying out of orders as may be prescribed by him or her, to enforce and make effective the provisions of this article and any and all rules promulgated by the State Fire Marshal under authority of this article: *Provided*, That in the case of a volunteer fire department, only the chief thereof or his or her single designated assistant may be so deputized.

(k) Written report of examinations. — The State Fire Marshal shall, at the request of the
commission of any county or the municipal authorities of any incorporated municipality in
the state, make to them a written report of the examination made by him or her regarding any fire
existing within their respective jurisdictions.

(I) Report of losses by insurance companies. — Each fire insurance company or
ation doing business in this state, within 10 days after the adjustment of any loss sustained
at exceeds \$1,500, shall report to the State Fire Marshal information regarding the amount
rance, the value of the property insured, and the amount of claim as adjusted. This report is
tion to any information required by the State Insurance Commissioner. Upon the request of
wner or insurer of any property destroyed or injured by fire or explosion, or in which an

141 attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall report in
142 writing to the owner or insurer the result of the examination regarding the property.

143 (m) Issuance of permits and licenses. — The State Fire Marshal may issue permits,
144 documents, and licenses in accordance with the provisions of this article or §29-3B-1 *et seq.* of this
145 code: *Provided*, That unless otherwise provided, the State Fire Marshal shall take final action upon
146 any completed permit applications within 30 days of receipt if the application is uncontested, or
147 within 90 days if the application is contested. The State Fire Marshal may require any person who
148 applies for a permit to use explosives, other than an applicant for a license to be a pyrotechnic
149 operator under §29-3E-6 of this code, to be fingerprinted and to authorize the State Fire Marshal to
150 conduct a criminal records check through the Criminal Identification Bureau of the West Virginia
151 State Police and a national criminal history check through the Federal Bureau of Investigation. The
152 results of any criminal records or criminal history check shall be sent to the State Fire Marshal.

153 (n) Issuance of citations for fire and life safety violations. — The State Fire Marshal, the
154 Chief Deputy, and any Deputy Fire Marshal, and any Assistant State Fire Marshal employed
155 pursuant to this article are authorized, and any person deputized pursuant to subsection (j) of this
156 section may be authorized by the State Fire Marshal to issue citations, in his or her jurisdiction, for
157 fire and life safety violations of the State Fire Code and as provided for by the rules promulgated by
158 the State Fire Commission in accordance with §15A-11-1 *et seq.* of this code: *Provided*, That a
159 summary report of all citations issued pursuant to this section by persons deputized under
160 subsection (j) of this section shall be forwarded monthly to the State Fire Marshal in the form and
161 containing information as he or she may by rule require, including the violation for which the
162 citation was issued, the date of issuance, the name of the person issuing the citation, and the
163 person to whom the citation was issued. The State Fire Marshal may at any time revoke the
164 authorization of a person deputized pursuant to subsection (j) of this section to issue citations, if in
165 the opinion of the State Fire Marshal, the exercise of authority by the person is inappropriate.

166 Violations for which citations may be issued include, but are not limited to:

167 (1) Overcrowding places of public assembly;

168 (2) Locked or blocked exits in public areas;

169 (3) Failure to abate a fire hazard;

170 (4) Blocking of fire lanes or fire department connections; and

171 (5) Tampering with, or rendering inoperable, except during necessary maintenance or

172 repairs, on-premise firefighting equipment, fire detection equipment, and fire alarm systems.

173 (o) Required training; liability coverage. — No person deputized pursuant to subsection (j)

174 of this section may be authorized to issue a citation unless that person has satisfactorily completed

175 the mandatory training as described in §15A-10-1 of this code, or a law-enforcement officer

176 training course designed specifically for fire marshals. The course shall be approved by the Law-

177 enforcement Training Subcommittee of the Governor's Committee on Criminal Justice and

178 Highway Safety and the State Fire Commission. In addition, no person deputized pursuant to

179 subsection (j) of this section may be authorized to issue a citation until evidence of liability

180 coverage of the person has been provided, in the case of a paid municipal fire department, by the

181 municipality wherein the fire department is located, or in the case of a volunteer fire department, by

182 the county commission of the county wherein the fire department is located, or by the municipality

183 served by the volunteer fire department and that evidence of liability coverage has been filed with

184 the State Fire Marshal.

185 (p) Statewide contracts. — The State Fire Marshal may cooperate with the Department of

186 Administration, Purchasing Division, to establish one or more statewide contracts for equipment

187 and supplies utilized by fire companies and departments in accordance with §5A-3-1 *et seq.* of this

188 code.

189 (1) Any statewide contract established hereunder shall be made available to any fire

190 company and department in this state, as well as any other state agency or political subdivision

191 that has a need for the equipment or supplies included in those contracts.

(2) The State Fire Marshal may develop uniform standards for equipment and supplies used by fire companies and departments in accordance with §5A-3-1 *et seq.* of this code.

(3) The State Fire Commission shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection.

(q) Penalties for violations. — Any person who violates any fire and life safety rule of the State Fire Code is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000, or confined in jail not more than 90 days, or both fined and confined. Every day during which any violation of the provisions of this article continues after knowledge or official notice that it is illegal is a separate offense.

(r) The State Fire Marshal, the Chief Deputy, and any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal, pursuant to this article may carry a firearm while acting in the course of his or her official duties, if

(1) He or she has successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy; and

(2) He or she is in uniform.

They person shall thereafter successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule. The State Fire Marshal may reimburse them person for the cost of the training and requalification.

(3) Qualified personnel may carry firearms off duty if they are in compliance with the provisions of §30-29-12 of this code.

(s) Mutual Aid.-- Any member of the West Virginia State Police, Natural Resources police officer, or any county or municipal law-enforcement officer may assist, upon request, the State Fire Marshal, Chief Deputy, deputy fire marshal, or any of his or her employees authorized to enforce the provisions of this section in any duties for which the State Fire Marshal has jurisdiction.

S15A-10-6. Responsibilities of insurance companies in fire loss investigation.

(a) The State Fire Marshal, Chief Deputy or any deputy or assistant fire marshals under the
city of the fire marshal may request any insurance company investigating a fire loss of real or
personal property to release any information in its possession relative to that loss. The company
shall release the information and cooperate with any official authorized to request such information
pertaining to this section. The information shall include, but not be limited to:

(1) Any policy in force;

(2) Any application for a policy;

(3) Premium payment records;

(4) History of previous claims; and

(5) Material relating to the investigation of the loss, including statements of any person, of loss, and any other relevant evidence.

(b) Any insurance company shall notify the State Fire Marshal if it has reason to believe, on its investigation of a fire loss to real or personal property, that the fire was caused by than accidental means. The company shall furnish the State Fire Marshal with pertinent information acquired during its investigation and cooperate with the courts and administrative agencies of the state, and any official mentioned, or referred to, in subsection (a) of this section.

(c) In the absence of fraud, no insurance company or person who furnishes information on behalf, shall be liable for any oral or written statement or any other action necessary to supply information required pursuant to this section.

(d) Any information furnished pursuant to this section shall be held in confidence, and is exempt from the provisions of §29B-1-1 *et seq.* of this code, until such time as its release may be required pursuant to a criminal proceeding.

(e) Any official mentioned, or referred to, in subsection (a) of this section may be required to identify as to any information in his or her possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

§15A-10-25. Awarding service weapon upon retirement of fire marshal or service weapon.

(a) Upon the retirement of a State Fire Marshal, Chief Deputy, or any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal pursuant to this section, the State Fire Marshal shall award to the retiring member his or her service weapon, without charge, upon the retiring member's request, provided the member has been a member of the State Fire Marshal's staff for at least five years and has not been convicted of a felony or a crime involving moral turpitude.

(1) That the retiring employee is retiring honorably with at least 10 years of service; or

(2) The retiring employee is retiring with less than 10 years of service based upon a
determination that the employee is totally physically disabled as a result of his or her service with
the State Fire Marshal.

(b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Marshal
not award a service weapon to any employee whom the State Fire Marshal: (1) Knows is
banned from possessing a firearm by state or federal law; (2) has reason to believe such retiring
employee to be mentally incapacitated; or (3) has reason to believe the retiring employee
constitutes a danger to any person or the community.

(c) If a service weapon is taken out of service due to routine wear, the State Fire Marshal shall offer the service weapon for sale to any active or retired State Fire Marshal, Chief Deputy, or full-time deputy fire marshal, ~~or any full-time assistant fire marshal~~ at fair market value, with the proceeds from any sales used to offset the cost of new service weapons. The disposal of these weapons pursuant to this subsection does not fall within the jurisdiction of the Purchasing

§15A-10-26. Right of retired Deputy Fire Marshal to receive complete uniform and badge.

A Deputy Fire Marshal, upon honorable retirement, is authorized to maintain a complete uniform from the agency and shall be issued an identification card indicating his or her honorable retirement from the Office of the State Fire Marshal. The uniform may be worn by the State Fire Marshal in retirement only on the following occasions: Police Officer's Memorial Day, Veterans' Memorial Day, Law Enforcement Appreciation Day, at the funeral of a law enforcement officer, or at any other time as may be directed by the Governor.

6 enforcement officer or firefighter, or during any other police or fire ceremony. The honorably retired
7 deputy fire marshal is authorized to acquire a badge of the Office of the State Fire Marshal with the
8 word "retired" placed on it.

NOTE: The purpose of this bill relates generally to the qualifications and responsibilities of the State Fire Marshal.

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