

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5472

FISCAL
NOTE

By Delegates Green, Dean, Ellington, Phillips,
Brooks, Jeffries, Gearheart, Bridges and leavitt

[Introduced February 12, 2026; referred to the
Committee on Energy and Public Works then
Finance]

1 A BILL to amend and reenact §5H-1-2, §17A-3-14g, §23-4-1f, §29-32-1, and §29-32-2 of the Code
 2 of West Virginia, 1931, as amended, related to extending benefits and recognition
 3 applicable to emergency responders to mine rescue personnel.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5H. SURVIVOR BENEFITS.

**ARTICLE 1. WEST VIRGINIA EMERGENCY RESPONDERS SURVIVOR BENEFIT
 ACT.**

§5H-1-2. First responder survivor benefit.

1 (a) Terms. — For the purposes of this article, the following terms have the following
 2 meanings:

3 (1) "Emergency responder" means a paid or volunteer firefighter, EMS personnel, law-
 4 enforcement agency personnel, ~~or~~ Division of Forestry personnel, or mine rescue personnel.

5 (2) "Emergency response duties" means:

6 (A) For a firefighter, EMS provider, or law-enforcement agency personnel, participation in
 7 any role of a fire department, EMS agency, or law-enforcement agency function, including, but not
 8 limited to: Training functions; administrative meetings; fire department, EMS agency, or law-
 9 enforcement incidents or service calls; apparatus, equipment, or station maintenance; and
 10 fundraisers, including travel to or from such functions; and

11 (B) For a Division of Forestry employee, participation in Division of Forestry wildland fire
 12 fighting, emergency, or disaster response operations, including, but not limited to, travel to and
 13 from the locations of wildland fires, emergencies, or disasters; and

14 (C) For mine rescue personnel, participation in mine rescue and recovery operations or
 15 mine emergency response activities, including, but not limited to: (i) Responding to mine
 16 explosions, fires, inundations, roof falls, ventilation failures, entrapments, or other mine
 17 emergencies; (ii) Training and drills required for mine rescue team service; (iii) The use, care,

18 inspection, testing, and maintenance of mine rescue breathing apparatus and related rescue
19 equipment; (iv) Participation in mine rescue contests or simulations that are part of required
20 refresher training; and (v) Travel to or from mine rescue training, drills, contests, stations, or
21 emergency deployments when authorized by the mine operator or the responsible mine rescue
22 official.

23 (3) "Law-enforcement agency" means any duly authorized state, county, or municipal
24 organization employing one or more persons whose responsibility is the enforcement of laws of
25 the state or any county or municipality thereof: *Provided*, That neither the Public Service
26 Commission nor any state institution of higher education nor any resort area district is a law-
27 enforcement agency.

28 (4) "Travel" includes riding upon or in any apparatus or vehicle which is owned or used by
29 the fire department, EMS agency, law-enforcement agency, ~~or~~ the Division of Forestry, mine
30 rescue team, or any other vehicle going to, or directly returning from, an emergency responder's
31 home, place of business, or other place where he or she shall have been prior to participating in a
32 fire department function, EMS agency function, law-enforcement agency function, ~~or~~ a Division of
33 Forestry wildland fire-fighting operation, or a mine rescue function, or upon the authorization of the
34 chief of the department, agency head, or other person in charge.

35 (5) "Mine rescue personnel" means an individual who is a member or alternate of a mine
36 rescue team established or maintained pursuant to applicable state or federal mine safety law, and
37 who, at the time of the incident giving rise to eligibility under this section:

38 (A) Has successfully completed initial mine rescue training in the use, care, and
39 maintenance of the breathing apparatus to be used and related mine rescue procedures, as
40 required or approved by the West Virginia Office of Miners' Health, Safety and Training or the Mine
41 Safety and Health Administration;

42 (B) Has completed required mine rescue refresher training within the preceding twelve
43 months consistent with applicable state or federal standards;

44 (C) Holds a current first-aid training certificate required for mine rescue team service; and

45 (D) For purposes of this article, "mine rescue personnel" does not include individuals who
46 do not meet the training and qualification requirements of this subdivision.

47 (b) An emergency responder who dies as a proximate result of the performance of his or
48 her emergency response duties is eligible for the survivor benefits established by this act.

49 (c) Within 30 days after the death of an eligible emergency responder, the department or
50 agency head, or in the case of mine rescue personnel, the mine operator, mine rescue station
51 director, mine rescue team captain, or other authorized representative responsible for the mine
52 rescue team, shall submit certification of the death to the Governor's Office. Certification of the
53 death shall include the name of the certified fire department, EMS agency, law-enforcement
54 agency, ~~or~~ Division of Forestry program, or the mine rescue team, mine rescue station, or mine
55 operator responsible for the mine rescue personnel, the name of the deceased emergency
56 responder, the name or names and addresses of the beneficiary or beneficiaries, any
57 documentation designating a beneficiary or beneficiaries, and a description of the circumstances
58 that qualify the deceased individual for survivor benefits under this act.

59 (d) Upon receipt of the certification of the death from the certified fire department, EMS
60 agency, law-enforcement agency, ~~or~~ Division of Forestry program, or from the mine rescue team,
61 mine rescue station, or mine operator responsible for the mine rescue personnel, the state shall,
62 from moneys from the State Treasury, General Fund, pay to the certified fire department, EMS
63 agency, law-enforcement agency, ~~or~~ Division of Forestry program, or the mine rescue team, mine
64 rescue station, or mine operator responsible for the mine rescue personnel the sum of \$100,000 in
65 the name of the beneficiary or beneficiaries of the emergency responder eligible for the survivor
66 benefit. Within five days of receipt of this sum from the state, the fire department, EMS agency,
67 law-enforcement agency, ~~or~~ Division of Forestry Program, or from the mine rescue team, mine
68 rescue station, or mine operator responsible for the mine rescue personnel shall pay the sum as a
69 benefit to the surviving designated beneficiary or beneficiaries. If there is no surviving designated

70 beneficiary, then the sum shall be paid as if the decedent had designated as beneficiaries those
 71 persons who are entitled to inherit the decedent’s intestate estate, in the proportions established
 72 by §42-1-3 and §42-1-3a of this code. It is the responsibility of the certified fire department, EMS
 73 agency, law-enforcement agency, or Division of Forestry program, mine rescue team, mine rescue
 74 station, or mine operator to document the beneficiary or beneficiaries above mentioned for
 75 purposes of reporting to the Governor’s Office.

76 (e) Any death ruled by a physician to be a result of an injury sustained during performance
 77 of emergency response duties makes a deceased emergency responder eligible for this benefit,
 78 regardless of when the death occurs.

79 (f) The death of an eligible emergency responder qualifies his or her beneficiaries for only
 80 one state survivor benefit, paid pursuant to the provisions of this section, regardless of the amount.

81 (g) Every department or agency head employing persons to which this article applies shall
 82 provide notice of the benefit provided hereby to such employees and encourage covered
 83 employees to provide a written designation of beneficiary to be maintained in the employee’s
 84 personnel file.

85 (h) A person applying to the State Fire Marshal for certification as a firefighter shall provide
 86 a written designation of beneficiary using forms and procedures prescribed by the State Fire
 87 Marshal.

88 (i) A person applying to the Commissioner of the Bureau for Public Health for emergency
 89 medical services personnel certification shall provide a written designation of beneficiary using
 90 forms and procedures prescribed by the commissioner.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
 CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
 CERTIFICATES OF TITLE.**

§17A-3-14g. Special registration plates for first responders.

1 (a) The division may issue special emergency or volunteer registration plates as follows:

2 (1) Any owner of a motor vehicle who is a resident of the state of West Virginia and who is a
3 certified paramedic or emergency medical technician, member of a paid fire department, member
4 of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State Fire
5 Administrator, or voluntary rescue squad member may apply for a special license plate for any
6 number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of
7 the profession, group, or commission. Any insignia shall be designed by the commissioner.
8 License plates issued pursuant to this subsection shall bear the requested insignia in addition to
9 the registration number issued to the applicant pursuant to the provisions of this article.

10 (2) Each application submitted pursuant to this subsection shall be accompanied by an
11 affidavit signed by the fire chief or department head of the applicant stating that the applicant is
12 justified in having a registration with the requested insignia, proof of compliance with all laws of this
13 state regarding registration and licensure of motor vehicles, and payment of all required fees.

14 (3) Each application submitted pursuant to this subsection shall be accompanied by
15 payment of a special initial application fee of \$10, which is in addition to all other fees required by
16 this chapter. All special fees shall be collected by the division and deposited into the State Road
17 Fund.

18 (b) The division may issue special certified firefighter registration plates as follows:

19 (1) Any owner of a motor vehicle who is a resident of the state of West Virginia and who is a
20 certified firefighter may apply for a special license plate that bears the insignia of the profession for
21 any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be
22 designed by the commissioner. License plates issued pursuant to this subsection shall bear the
23 requested insignia pursuant to the provisions of this article. Upon presentation of written evidence
24 of certification as a certified firefighter, certified firefighters are eligible to purchase the special
25 registration plate issued pursuant to this subsection.

26 (2) Each application submitted pursuant to this subsection shall be accompanied by an
27 affidavit stating that the applicant is justified in having a registration with the requested insignia,
28 proof of compliance with all laws of this state regarding registration and licensure of motor
29 vehicles, and payment of all required fees. The firefighter certification department, section, or
30 division of the West Virginia University fire service extension shall notify the commissioner in
31 writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her
32 certification, the commissioner may not issue him or her a license plate under this subsection.

33 (3) Each application submitted pursuant to this subsection shall be accompanied by
34 payment of a special initial application fee of \$10, which is in addition to all other fees required by
35 this chapter. All special fees shall be collected by the division and deposited into the State Road
36 Fund.

37 (c) The division may issue special volunteer firefighter registration plates as follows:

38 (1) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer
39 firefighter may apply for a special license plate for any Class A vehicle titled in the name of the
40 qualified applicant which bears the insignia of the profession in white letters on a red background.
41 The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia
42 on the left side of the license plate.

43 (2) Each application submitted pursuant to this subsection shall be accompanied by an
44 affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and
45 is justified in having a registration plate with the requested insignia. The applicant must comply
46 with all other laws of this state regarding registration and licensure of motor vehicles and must pay
47 all required fees.

48 (3) Each application submitted pursuant to this subsection shall be accompanied by
49 payment of a special one-time initial application fee of \$10, which is in addition to all other fees
50 required by this chapter. All application fees shall be deposited into the State Road Fund.

51 (d) The division may issue special registration plates to applicants supporting law-

52 enforcement officers, to retired members of the West Virginia State Police, and to survivors of
53 wounds received in the line of duty as a member with a West Virginia law-enforcement agency as
54 follows:

55 (1) Upon appropriate application, the division shall issue a special registration plate
56 designed by the commissioner which recognizes, supports, and honors the men and women of
57 law-enforcement and includes the words "Back the Blue". Upon appropriate application, the
58 division shall issue to any member of a municipal police department, sheriff's department, the
59 State Police, or the law-enforcement division of the Division of Natural Resources who has been
60 wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia
61 Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers
62 Association, or the Division of Natural Resources a special registration plate for one vehicle titled
63 in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

64 (2) For special registration plates supporting law-enforcement officers, the division shall
65 charge a special initial application fee of \$10 in addition to all other fees required by this chapter.
66 This special fee shall be collected by the division and deposited in the State Road Fund. An annual
67 fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all
68 other fees required by this chapter.

69 (3) Registration plates issued pursuant to this subsection to survivors of wounds received
70 in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the
71 registration fees otherwise required by the provisions of this chapter. A surviving spouse may
72 continue to use his or her deceased spouse's special registration plate until the surviving spouse
73 dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a
74 member with a West Virginia law-enforcement agency may obtain a license plate as described in
75 this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The
76 division shall charge for the second plate a one-time fee of \$10, to be deposited into the State
77 Road Fund, which is in addition to all other fees required by this chapter.

78 (4) Upon appropriate application, the division may issue special registration plates
79 designed by the commissioner for any number of vehicles titled in the name of the qualified
80 applicant who offers sufficient proof of being a retired member of the West Virginia State Police.
81 The division shall charge a special initial application fee of \$10 in addition to all other fees required
82 by this chapter. This special fee shall be collected by the division and deposited in the State Road
83 Fund.

84 (e) The division may issue special plates with an insignia appropriately designed by the
85 commissioner to recipients of the distinguished Medal of Valor awarded under §29-32-1 *et seq.* of
86 this code to firefighters, law-enforcement officers, ~~and~~ emergency medical services personnel,
87 and mine rescue personnel who distinguish themselves conspicuously by gallantry and intrepidity
88 at the risk of their lives above and beyond the call of duty in the performance of their duties as
89 follows:

90 (1) Any Medal of Valor recipient under §29-32-1 *et seq.* of this code or their surviving
91 spouse may apply to receive the special registration plate issued pursuant to this subsection for
92 any Class A vehicle titled in the name of the Medal of Valor recipient or their surviving spouse.

93 (2) The applicant shall present satisfactory proof as determined by the commissioner as
94 evidence of qualification for any plate authorized in this subsection. A surviving spouse may
95 continue to use the license plate of his or her deceased spouse that was issued pursuant to this
96 subsection until the surviving spouse dies, remarries, or does not renew the license plate.

97 (3) A qualified applicant as provided in paragraph (1) of this subsection may apply for a
98 second license plate as described in this subsection for use on a Class A vehicle titled in the name
99 of the qualified applicant.

100 (4) Registration plates issued pursuant to this subsection to qualified applicants are
101 exempt from the registration fees otherwise required by the provisions of this chapter. A qualified
102 applicant may obtain a license plate as described in this subsection for use on a passenger vehicle
103 titled in the name of the qualified applicant. The division shall charge for the second plate a one-

104 time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees
 105 required by this chapter.

106 (f) The division may issue special mine rescue registration plates as follows:

107 (1) Any owner of a motor vehicle who is a resident of West Virginia and who is a mine
 108 rescue personnel may apply for a special license plate for any Class A vehicle titled in the name of
 109 the qualified applicant which bears the insignia of the profession. The insignia shall be designed by
 110 the commissioner.

111 (2) Each application submitted pursuant to this subsection shall be accompanied by an
 112 affidavit signed by the applicant's mine rescue team captain, mine rescue station director, mine
 113 superintendent, or other authorized representative responsible for the mine rescue team, stating
 114 that the applicant is a mine rescue personnel and is justified in having a registration plate with the
 115 requested insignia. The applicant must comply with all other laws of this state regarding
 116 registration and licensure of motor vehicles and must pay all required fees.

117 (3) Each application submitted pursuant to this subsection shall be accompanied by
 118 payment of a special one-time initial application fee of \$10, which is in addition to all other fees
 119 required by this chapter. All application fees shall be deposited into the State Road Fund.

CHAPTER 23. WORKERS' COMPENSATION.

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-1f. Certain psychiatric injuries and diseases not compensable; definitions; legislative findings; terms; report required.

1 (a) Except as provided by this section, for the purposes of this chapter, no alleged injury or
 2 disease may be recognized as a compensable injury or disease which was solely caused by
 3 nonphysical means and which did not result in any physical injury or disease to the person
 4 claiming benefits. Except as otherwise provided in this section, it is the purpose of this section to
 5 clarify that so-called mental-mental claims are not compensable under this chapter.

6 (b) For the purposes of this section:

7 (1) "First responder" means a law enforcement officer, firefighter, emergency medical
8 technician, paramedic, ~~and~~ emergency dispatcher, and mine rescue personnel;

9 (2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for
10 post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic
11 and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule
12 of the insurance commissioner; and

13 (3) "Licensed mental health provider" means a licensed psychiatrist, licensed psychologist,
14 licensed professional counselor, licensed marriage and family therapist, certified mental health
15 nurse practitioner, certified psychiatric physician assistant, or licensed social worker who:

16 (A) Holds a master's degree or higher;

17 (B) Holds a terminal license within their profession; and

18 (C) Is qualified to treat post-traumatic stress disorder.

19 (4) "Employer" means any entity that controls, consistent with the provisions of West
20 Virginia law relating to an employment relationship, the paid or volunteer employment of a first
21 responder eligible for benefits under this section.

22 (c) The Legislature finds that post-traumatic stress disorder is a unique medical condition.
23 Although it may manifest itself as a psychiatric condition that would be otherwise precluded from
24 workers' compensation coverage, post-traumatic stress disorder is an occupational hazard for first
25 responders, similar to members of the military serving in combat. The Legislature further finds that
26 because first responders are required to expose themselves to traumatic events during the course
27 of their employment and thus are at a recognized higher risk of developing post-traumatic stress
28 disorder, and because of the severe nature and debilitating effects of post-traumatic stress
29 disorder, it is the moral obligation of the state to permit coverage to this class of individuals for their
30 work-related disease.

31 (d)(1) Post-traumatic stress disorder suffered by a first responder may be recognized as a

32 compensable occupational disease under §23-4-1(f) of this code when:

33 (A) The employer has elected to provide coverage for post-traumatic stress disorder as an
34 occupational disease; and

35 (B) A diagnosis has been made by a licensed psychiatrist, certified mental health nurse
36 practitioner, or certified psychiatric physician assistant that the first responder suffered from post-
37 traumatic stress disorder due to exposure to an event or events that occurred in the course of and
38 resulting from the first responder's paid or volunteer covered employment: *Provided*, That the
39 provisions of this section shall apply only to a post-traumatic stress disorder diagnosis made on or
40 after July 1, 2021, or the first day of the employer's next workers' compensation insurance policy or
41 self-insurance program term for which post-traumatic stress disorder coverage has been
42 purchased or elected, whichever is later.

43 (2) While the diagnosis must be made by a licensed psychiatrist, certified mental health
44 nurse practitioner, or certified psychiatric physician assistant, mental health treatment consistent
45 for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider
46 other than the diagnosing psychiatrist, certified mental health nurse practitioner, or certified
47 psychiatric physician assistant.

48 (3) A diagnosis of post-traumatic stress disorder under this section may not include
49 consideration of any layoff, termination, disciplinary action, or any similar personnel-related action
50 taken in good faith by an employer.

51 (4) Benefits for a post-traumatic stress disorder diagnosis made under this section are
52 contingent upon the employer electing to provide coverage for post-traumatic stress disorder from
53 its workers' compensation insurance carrier or to provide for it through its self-insurance program,
54 whichever is applicable.

55 (5) The receipt of benefits is contingent on a claim being made within three years from and
56 after a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric
57 physician assistant has made the claimant aware of a post-traumatic stress disorder diagnosis in

58 accordance with this section.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 32. MEDAL OF VALOR.

§29-32-1. Medal of Valor.

1 (a) There is hereby established a Medal of Valor to be awarded to firefighters, law-
 2 enforcement officers, ~~and~~ emergency medical services personnel, and mine rescue personnel
 3 who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives
 4 above and beyond the call of duty in the performance of their duties.

5 (b) A Medal of Valor may only be awarded in the manner set forth in this article.

6 (c) For purposes of this article, "mine rescue personnel" has the meaning set forth in §5H-
 7 1-2(a) of this code.

§29-32-2. First Responders Honor Board.

1 (a) The First Responders Honor Board is hereby established within the Department of
 2 Homeland Security as an advisory board to the Legislature. The purpose of the board is to
 3 recommend to the Legislature firefighters, law-enforcement officers, ~~and~~ emergency medical
 4 services personnel, and mine rescue personnel in West Virginia who have distinguished
 5 themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond
 6 the call of duty in the performance of their duties to be awarded a Medal of Valor.

7 (b) Board membership. —

8 (1) The board shall consist of two members from each of the state's senatorial districts.
 9 Each state senator shall appoint one member representing his or her district.

10 (2) The board shall be composed of firefighters; fire chiefs; law enforcement officials such
 11 as sheriffs, correctional officers, and police chiefs; emergency medical services personnel;
 12 medical officials; doctors; mine rescue personnel; and other professionals who are qualified to
 13 evaluate and determine whether the actions of firefighters, law-enforcement officers, ~~and~~

14 emergency medical services personnel, and mine rescue personnel rise to the level of being
15 above and beyond the call of duty.

16 (3) Members shall serve a three-year term and shall serve without compensation.

17 (4) The board shall annually select a member to serve as the chair. The board shall hold at
18 least one annual meeting. The date, time, and place of the meetings shall be established upon its
19 own resolution or at the call of the chair of the board. Notice of each meeting shall be given to each
20 member by the chair and in compliance with the open meetings laws of the state. A majority of the
21 members of the board serving at any one time constitutes a quorum for the transaction of
22 business.

23 (c) The board may consider candidates for the Medal of Valor who are identified by
24 members of the board or by other citizens, and may design a system for the receipt of those
25 recommendations.

26 (d) The board shall review identified individuals to determine if those firefighters, law-
27 enforcement officers, ~~and~~ emergency medical services personnel, and mine rescue personnel
28 have gone above and beyond the call of duty in their professional capacities. Upon determination
29 that a firefighter, law-enforcement officer, ~~or~~ emergency medical services personnel, and mine
30 rescue personnel is worthy of this honor, the board shall submit the nomination to the Speaker of
31 the House of Delegates and the President of the Senate for consideration by the Legislature no
32 later than the first day of the next legislative session, whether a regular session or extraordinary
33 session.

NOTE: The purpose of this bill is to extend benefits and recognition applicable to emergency responders to mine rescue personnel.

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