

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 856**

By Senator Morris

[Reported February 20, 2026, from the Committee on  
Government Organization]



16           (b) *Assistance upon request.* — Upon request, the State Fire Marshal shall assist any chief  
17 of any recognized fire company or department. Upon the request of any federal law-enforcement  
18 officer, State Police officer, Natural Resources police officer, or any county or municipal law-  
19 enforcement officer, the State Fire Marshal, any deputy state fire marshal, or assistant state fire  
20 marshal employed pursuant to the provisions of this article and any person deputized pursuant to  
21 subsection (j) of this section may assist in the lawful execution of the requesting officer's official  
22 duties: *Provided*, That the State Fire Marshal, or other person authorized to act under this  
23 subsection, shall at all times work under the direct supervision of the requesting officer.

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

26           (d) *Inspections generally.* — The State Fire Marshal shall inspect all structures and  
27 facilities, other than one- and two-family dwelling houses, subject to the State Fire Code and this  
28 article, including, but not limited to, state, county, and municipally owned institutions, all public and  
29 private schools, health care facilities, theaters, churches, and other places of public assembly to  
30 determine whether the structures or facilities are in compliance with the State Fire Code.

31           (1) Municipalities with certified fire code officials, inspectors, and plans examiners may  
32 perform their duties in occupancies that are under the jurisdiction of the State Fire Marshal, limited  
33 to the following:

- 34           (A) Business occupancies;
- 35           (B) Mercantile occupancies;
- 36           (C) Public assembly occupancies;
- 37           (D) Hotel and dormitories;
- 38           (E) Apartment buildings;
- 39           (F) Industrial occupancies;
- 40           (G) Storage occupancies; and
- 41           (H) Lodging or rooming houses.

42           (2) Uncertified fire officials, fire inspectors, and fire plans examiners who are employed by  
43 municipal fire departments shall be granted probationary status for a period not to exceed two  
44 years, during which the certification requirements shall be satisfied. Upon proof of qualification for  
45 certification, the individual shall be certified in the respective categories listed in §15A-10-5 of this  
46 code.

47           (3) Any municipality or local governmental entity enforcing the State Fire Code may have  
48 designated code enforcers on a full-time, part-time, or contractual basis who are certified for the  
49 specific duties of a fire code official, fire code inspector, or fire code plans examiner for a single or  
50 multiple municipalities or local governmental entities.

51           (4) Any municipality or local governmental entity may indemnify their full-time, part-time, or  
52 contractual fire code officials, inspectors, and plans examiners.

53           (5) The municipality or local governmental entity shall be considered the authority having  
54 jurisdiction with the fire code official, fire code inspectors, and fire code plans examiner acting  
55 under their authority and jurisdiction.

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

64           (f) *Investigations.* — The State Fire Marshal may, at any time, investigate as to the origin or  
65 circumstances of any fire, or explosion, or attempt to cause fire or explosion occurring in the state.  
66 The State Fire Marshal has the authority at all times of the day or night, in performance of the  
67 duties imposed by the provisions of this article, to investigate where any fires, or explosions, or

68 attempt to cause fires or explosions may have occurred, or which at the time may be burning.  
69 Notwithstanding the above provisions of this subsection, prior to entering any building or premises  
70 for the purposes of the investigation, the State Fire Marshal shall obtain a proper search  
71 warrant: *Provided*, That a search warrant is not necessary where there is permissive waiver or the  
72 State Fire Marshal is an invitee of the individual having legal custody and control of the property,  
73 building, or premises to be searched.

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

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

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

92 (2) To make complaint in writing before any court or officer having jurisdiction and obtain,  
93 serve, and execute an arrest warrant when knowing or having reason to believe that anyone has

94 committed an offense under any provision of this article, of the arson-related offenses of §61-3-  
95 1 *et seq.* of this code, or of the explosives-related offenses of §61-3E-1 *et seq.* of this code. Proper  
96 return shall be made on all arrest warrants before the tribunal having jurisdiction over the violation.

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

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

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

114 (j) *Deputizing members of fire departments in this state.* — The State Fire Marshal may  
115 deputize a member of any fire department, duly organized and operating in this state, who is  
116 approved by the chief of his or her department and who is properly qualified to act as his or her  
117 assistant for the purpose of making inspections with the consent of the property owner or the  
118 person in control of the property and the investigations as may be directed by the State Fire  
119 Marshal, and the carrying out of orders as may be prescribed by him or her, to enforce and make

120 effective the provisions of this article and any and all rules promulgated by the State Fire  
121 Commission under authority of this article: *Provided*, That in the case of a volunteer fire  
122 department, only the chief thereof or his or her single designated assistant may be so deputized.

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

127 (l) *Report of losses by insurance companies.* — Each fire insurance company or  
128 association doing business in this state, within 10 days after the adjustment of any loss sustained  
129 by it that exceeds \$1,500, shall report to the State Fire Marshal information regarding the amount  
130 of insurance, the value of the property insured, and the amount of claim as adjusted. This report is  
131 in addition to any information required by the State Insurance Commissioner. Upon the request of  
132 the owner or insurer of any property destroyed or injured by fire or explosion, or in which an  
133 attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall report in  
134 writing to the owner or insurer the result of the examination regarding the property.

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

145 (n) *Issuance of citations for fire and life safety violations.* — The State Fire Marshal, any

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

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

159 (1) Overcrowding places of public assembly;

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

161 (3) Failure to abate a fire hazard;

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

163 (5) Tampering with, or rendering inoperable, except during necessary maintenance or  
164 repairs, on-premise firefighting equipment, fire detection equipment, and fire alarm systems.

165 (o) *Required training; liability coverage.* — No person deputized pursuant to subsection (j)  
166 of this section may be authorized to issue a citation unless that person has satisfactorily completed  
167 the mandatory training as described in §15A-10-1 of this code, or a law-enforcement officer  
168 training course designed specifically for fire marshals. The course shall be approved by the Law-  
169 enforcement Training Subcommittee of the Governor’s Committee on Criminal Justice and  
170 Highway Safety and the State Fire Commission. In addition, no person deputized pursuant to  
171 subsection (j) of this section may be authorized to issue a citation until evidence of liability

172 coverage of the person has been provided, in the case of a paid municipal fire department, by the  
173 municipality wherein the fire department is located, or in the case of a volunteer fire department, by  
174 the county commission of the county wherein the fire department is located, or by the municipality  
175 served by the volunteer fire department and that evidence of liability coverage has been filed with  
176 the State Fire Marshal.

177 (p) *Statewide contracts.* — The State Fire Marshal may cooperate with the Department of  
178 Administration, Purchasing Division, to establish one or more statewide contracts for equipment  
179 and supplies utilized by fire companies and departments in accordance with §5A-3-1 *et seq.* of  
180 this code.

181 (1) Any statewide contract established hereunder shall be made available to any fire  
182 company and department in this state, as well as any other state agency or political subdivision  
183 that has a need for the equipment or supplies included in those contracts.

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

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

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

193 (r) The State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire  
194 marshal employed by the State Fire Marshal, pursuant to this article may carry a firearm while  
195 acting in the course of his or her official duties, if he or she has successfully completed a firearms  
196 training and certification program equivalent to that provided to officers attending the entry level  
197 law-enforcement certification course provided at the West Virginia State Police Academy. The

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

**§15A-10-5. General rule-making authority; appointment of advisory boards.**

1 (a) The State Fire Marshal may propose rules for legislative approval in accordance with  
2 the provisions of §29A-3-1 *et seq.* of this code, establishing state standards and fee schedules for  
3 the licensing, registration, certification, regulation, and continuing education of persons which will  
4 conduct inspections relating to the State Building Code and the State Fire Code, which include, but  
5 are not limited to, building code and fire code officials, inspectors, plans examiners, and home  
6 inspectors.

7 (1) Fire Code Disciplines and Categories – To be a certified fire code official, certified fire  
8 code inspector, or certified fire code plans examiner, the applicant must successfully complete the  
9 training and examination necessary by the National Fire Protection Association (NFPA) or an  
10 equivalent certification by an examination authority that bases their testing upon the applicable  
11 NFPA codes that is acceptable by the State Fire Commission.

12 (2) The State Fire Marshal will issue certification for a fire code official, fire code inspector,  
13 or fire code plans examiner in a specific category to an applicant who receives a passing grade in  
14 all examinations or certifications required for that category.

15 (3) The approved categories of examinations or certifications are as follows:

16 (A) Fire Code Official – NFPA Certified Fire Protection Specialist, or the combination of  
17 NFPA Certified Fire Inspector and Certified Fire Plans Examiner.

18 (B) Fire Code Inspector – NFPA Certified Fire Protection Specialist, or NFPA Certified Fire  
19 Inspector.

20 (C) Fire Code Plans Examiner – NFPA Certified Fire Protection Specialist or NFPA  
21 Certified Plans Examiner.

22 (b) The State Fire Marshal shall propose rules for legislative approval requiring applicants

23 for home inspector licensing, registration, or certification to submit to a state and national criminal  
24 history record check as set forth in this section and may deny licensing, registration, or certification  
25 based upon the results of the criminal history record check.

26 (c) The State Fire Marshal may establish advisory boards as it considers appropriate to  
27 encourage representative participation in subsequent rulemaking from groups or individuals with  
28 an interest in any aspect of the rules promulgated by 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.