



H.B. 401

126th General Assembly
(As Introduced)

Reps. Law, Flowers, Coley, Uecker, S. Patton

BILL SUMMARY

- Prohibits any person from claiming to the public to be or acting as a member of a private fire company unless the person is recognized as such by the State Fire Marshal.
- Permits the Firefighter and Fire Safety Inspector Training Committee of the State Board of Emergency Medical Services to conduct investigations in the course of discharging its duties and to issue subpoenas in the course of any such investigation.
- Requires the Executive Director of the State Board of Emergency Medical Services to adopt rules, as opposed to standards, to regulate firefighter and fire safety inspector training programs and any other training programs approved by the Executive Director.

CONTENT AND OPERATION

Claiming to be or acting as a fire fighter, fire department chief, or fire prevention officer

Current law prohibits any person from claiming to the public to be or acting as a firefighter, volunteer firefighter, member of a fire department, chief of a fire department, or fire prevention officer unless (1) the person is recognized as such by the State Fire Marshal or has received the required certification and has been appointed by the governing board of a firefighting agency, or (2) the person is a member of a private fire company and that company is providing fire protection to a governmental entity pursuant to a contract or authorization as permitted by law (R.C. 3737.66).

The bill, while retaining the first of these requirements, eliminates the second and prohibits any person from claiming to the public to be or acting as a

member of a private fire company unless the person is recognized as such by the Fire Marshal.

Firefighter and Fire Safety Inspector Training Committee

The existing Firefighter and Fire Safety Inspector Training Committee of the State Board of Emergency Medical Services assists the Executive Director of that Board with fire service training programs for all paid and volunteer firefighters and fire safety inspectors. The Executive Director, with the advice and counsel of the Committee, is required to adopt standards regulating these programs. (R.C. 4765.04 and 4767.55.)

The bill permits the Committee to conduct investigations in the course of discharging its duties. In the course of an investigation, the Committee may issue subpoenas. If a person subpoenaed fails to comply with the subpoena, the Committee may authorize its chairperson to apply to the court of common pleas, in the county where the person subpoenaed resides, for an order compelling compliance in the same manner as compliance with a subpoena issued by the court is compelled. (R.C. 4765.04.)

Firefighter and fire safety inspector training programs

Existing law

Current R.C. 4765.55 governs the duties of the Executive Director with respect to firefighter and fire safety inspector training programs. The Executive Director, with the advice and counsel of the Committee, is required to assist in the establishment and maintenance by any state agency, or any county, township, city, village, school district, or educational service center of a fire service training program for the training of all paid and volunteer firefighters and fire safety inspectors in this state. The Executive Director, again with the advice and counsel of the Committee, also must adopt standards regulating firefighter and fire safety inspector training programs. The standards may include, but need not be limited to, provisions for minimum courses of study, minimum hours of instruction, attendance requirements, required equipment and facilities, qualifications of instructors, basic physical and methods training required of firefighters and fire safety inspectors, and training schedules. The standards for volunteer firefighter training programs cannot require more than 36 hours of training. The Executive Director, with the advice and counsel of the Committee, must provide for the classification and chartering of such training programs and may revoke any charter for failure to meet the standards. (R.C. 4765.55(B).)

Certificates issued to firefighters and fire inspectors are prescribed by the Executive Director, with the advice and counsel of the Committee, and a

certificate is issued to each person who satisfactorily completes a chartered training program (R.C. 4765.55(C)).

The Executive Director, with the Committee's advice and counsel, must establish criteria for evaluating the standards maintained by other states and the United States military for firefighter training programs to determine whether the standards are equivalent to those of this state and also must establish requirements and procedures for issuing a certificate to each person who presents proof of having satisfactorily completed a training program that meets those standards (R.C. 4765.55(C)(2)).

The Executive Director, with the Committee's advice and counsel, must establish requirements and procedures for issuing a certificate in lieu of completing a chartered firefighter training program to any person requesting a certificate who began serving as a permanent full-time paid firefighter with the fire department of a city or village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a township, fire district, city, or village prior to July 2, 1979 (R.C. 4765.55(C)(3)).

R.C. 4765.55 does not apply to a cooperative education school district and it does not invalidate any other provision of law relating to the fire training academy (R.C. 4765.55(A) and (D)).

Changes made by the bill

Adoption of rules. The bill modifies the authority of the Executive Director relative to firefighter and fire safety inspector training programs. It requires the Executive Director, with the advice and counsel of the Committee, to assist in the establishment and maintenance of fire service training programs for the training of all persons in positions of any certification level approved by the Executive Director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors. The Executive Director, with the advice and counsel of the Committee, is required to adopt *rules* (as opposed to "standards" as referenced in current law) to regulate such firefighter and fire safety inspector training programs and any other training programs approved by the Executive Director. The rules may include, but need not be limited to, training curriculum, certification examinations, training schedules, minimum hours of instruction, attendance requirements, required equipment and facilities, basic physical requirements and methods of training for all persons in positions of any certification level approved by the Executive Director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors. The rules for volunteer firefighter training programs cannot require more than 36 hours of training. The Executive Director, with the advice and counsel of the Committee, must provide for the classification and chartering

of such training programs in accordance with the rules adopted under the bill, and may take action against any chartered training program or applicant, in accordance with those rules, for failure to meet standards set by the rules. (R.C. 4765.55(A).)

Content of rules. The Executive Director, with the advice and counsel of the Committee, is required to adopt, and may amend or rescind, rules under the Administrative Procedure Act¹ that establish all of the following:

(1) Requirements for, and procedures for chartering, firefighter and fire safety inspector training programs and any other training programs approved by the Executive Director;

(2) Requirements for, and requirements and procedures for obtaining and renewing, a certificate to teach those training programs;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the certificates to practice regulated by the Fire Service Training Law;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew, any of the certificates or charters regulated by the law and for taking other disciplinary actions against the holders of the certificates and charters;

(5) Grounds and procedures for imposing and collecting fines, not to exceed \$1,000, on persons holding certificates and charters regulated by the law. All such fines must be deposited into the existing Trauma and Emergency Medical Services Fund.

(6) Continuing education requirements for certificate holders;

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;

(8) Certification cycles for which the certificates and charters are valid. (R.C. 4765.55(B)(1) to (8).)

Certificates, charters, and disciplinary action. The Executive Director, with the advice and counsel of the Committee, is required to do all of the following:

¹ Revised Code Chapter 119.

(1) Issue or renew a certificate to teach the training programs and continuing education classes to any applicant that the Executive Director determines meets the qualifications established in the rules, and also may take disciplinary action against a certificate holder or applicant in accordance with the rules.

(2) Charter or renew the charter of any training program that the Executive Director determines meets the qualifications established in the rules, and take disciplinary action against the holder of a charter in accordance with the rules.

(3) Issue or renew a certificate to practice as a firefighter, fire safety inspector, or in another position of any certification level the Executive Director approves, to any applicant that the Executive Director determines meets the qualifications established in the rules, and also may take disciplinary actions against a certificate holder or applicant in accordance with the rules. (R.C. 4765.55(C) and (D).) The certificates the Executive Director issues must be on a form prescribed by the Executive Director, with the advice and counsel of the Committee (R.C. 4765.55(E)).

Standards of other states and the United States military. The Executive Director, with the advice and counsel of the Committee, must establish criteria for evaluating the standards maintained by other states and the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the Executive Director, to determine whether the standards are equivalent to those established under the bill and to establish requirements and procedures for issuing a certificate to each person who presents proof of having satisfactorily completed a training program that meets those standards. In addition, the Executive Director, with the Committee's advice and counsel, must adopt rules establishing requirements and procedures for issuing a certificate in lieu of completing a chartered training program. (R.C. 4765.55(F)).

Other provisions. The bill declares that the provision of current law that grants rule-making authority to the State Board of Emergency Medical Services does not affect any powers and duties granted to the Executive Director under the bill (R.C. 4765.55(G)).

The bill also eliminates the provision that the Fire Service Training Law does not apply to a cooperative education school district (R.C. 4765.55(A)).

Adoption and implementation of the new rules

The bill requires the Executive Director to adopt the new rules required by the bill within 12 months after the bill's effective date. Renewal of current certificates must be phased in over a 12-month period following the rules' effective

date in accordance with a schedule determined by the Executive Director.
(Section 3.)

HISTORY

ACTION	DATE
Introduced	10-26-05

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