

VDFP experienced a very busy and exciting 2008 Session of the Virginia General Assembly. For the 2008 legislative session, a total of 3177 bills were introduced, a total of 1288 bills failed and a total of 305 bills were continued to the 2009 session. The 2008 session began Wednesday, January 9, 2008 and the final adjournment of the legislative session was Saturday, March 8, 2008. The reconvened session will begin April 16, 2008 and the last day to act on 2008 continued legislation is December 4, 2008. Pre-filing for the 2009 Regular Session begins July 21, 2008.

The Governing Performance Project released its "Grading the States" report card in early March, and Virginia received an A- (only 2 other states also received an A grade). You can find more information on the project and Virginia's grade at:

[http://www.pewcenteronthestates.org/gpp\\_report\\_card.aspx](http://www.pewcenteronthestates.org/gpp_report_card.aspx).

Below is a legislative summary for the 2008 Session of the Virginia General Assembly, which directly impact Virginia's fire service. A copy of the full legislative text can be found at: <http://leg1.state.va.us/lis.htm>.

### **HB 192 Volunteer rescue squads; replaces term with agency, etc. licensed or certified by Office of EMS.**

An Act to amend and reenact § 32.1-111.9 of the Code of Virginia, relating to applications for variances or exceptions.

*Summary as introduced:*

**Applications for variances or exceptions.** Replaces term "volunteer rescue squad" with the term "agency, entity, or provider licensed or certified by the Office of Emergency Medical Services."

*Patron:* Orrock

On March 2, 2008, the legislation was approved by the Governor and becomes effective 7/1/08. The aforementioned legislation can be found at: Acts of Assembly - Chapter 61.

### **HB 228 and SB208 Reduced cigarette ignition propensity; prohibits manufacture, etc. thereof unless meets standards.**

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23.1, consisting of sections numbered 59.1-293.1 through 59.1-293.9, relating to the sale of cigarettes with reduced ignition propensity; civil penalties.

*Summary as passed:*

**Fire-safe cigarettes; civil penalties.** Prohibits the manufacture, sale, or offer for sale of cigarettes within the Commonwealth, or to persons located in the Commonwealth, unless the cigarettes have been tested to determine that they meet a performance standard for fire safety. The test predicts the likelihood that a cigarette will ignite material with which it comes in contact. Cigarette manufacturers are required to file a certification with the Commissioner of Agriculture and Consumer Services that their cigarettes meet the mandated performance standard as measured by the prescribed test. Cigarette packages are required to be marked so that compliant cigarettes may be distinguished from those not certified as compliant. The specific mark is determined by the manufacturer, subject to Commissioner approval. This measure provides that cigarettes compliant with similar New York regulations will be compliant with these requirements and that manufacturers may use the same package markings they use in that state. The requirements do not apply to cigarettes sold in North Carolina or South Carolina, or packaged for sale outside the United States.

Manufacturers are assessed a fee of \$250 per brand, the proceeds from which are divided between the Commissioner of Agriculture and Consumer Services and the State Fire Marshal. Violators are subject to civil penalties. Fees assessed on manufacturers and civil penalties collected from violators are deposited in a Cigarette Fire Safety Standard and Firefighter Protection Act Fund, to be split between implementation of this measure and use by the State Fire Marshal in carrying out the Statewide Fire Prevention Code. The measure will become effective 13 months after its enactment, and will expire on the effective date of any federal reduced cigarette ignition propensity standard that preempts the measure. SB 208 is identical. HB 1072 is incorporated into this bill.

*House Patrons:* Cosgrove, Caputo, and O'Bannon

*Senate Patron:* Stosch

On March 5, 2008, this legislation was approved by the Governor and can be found at Acts of Assembly - Chapter 348. The provisions of this act shall become effective on January 1, 2010, except that subsection B of § 59.1-293.9 of the Code of Virginia shall become effective on July 1, 2008.

### **HB 320 Fire Prevention Code; fees for inspection, exceptions.**

An Act to amend and reenact § 27-98 of the Code of Virginia, relating to the Statewide Fire Prevention Code; fees for inspection; exceptions.

*Summary as passed House:*

**Statewide Fire Prevention Code; fees for inspection; exceptions.** Provides that the State Fire Marshal may not charge any fee for permits issued for the inspection of any school. This bill incorporates HB 564.

*Patron:* Cox

On March 10, 2008, this legislation was approved by the Governor and can be found at Acts of Assembly - Chapter 499. This legislation becomes effective 7/1/08. The current FY09 and FY10 budget includes a general fund appropriation, which will provide state funds to the State Fire Marshal's Office to conduct inspections of private schools.

### **HB 338 Emergency plans; fee for review.**

A BILL to amend and reenact § 44-146.19 of the Code of Virginia, relating to emergency plans; fee for review.

*Summary as introduced:*

**Emergency plans; fee for review.** Allows a locality to charge an administrative fee for the review of the emergency plans of nursing homes, assisted living facilities, adult day care centers, and child day care centers located within the locality. Localities that have an emergency management agency are currently authorized to require such a review.

*Patron:* McClellan

On February 1, 2008, the Militia, Police and Public Safety House Committee voted to continue this legislation until the 2009 General Assembly Session.

### **HB 546 Telephone systems, multiline; alternative method of providing emergency calls.**

An Act to amend and reenact §§ 56-484.19 and 56-484.23 of the Code of Virginia, relating to 9-1-1 emergency calls on multiline telephone systems.

*Summary as passed House:*

**Multiline telephone systems.** Provides that an alternative method of providing call location information exists when a 9-1-1 call to a public safety answering point (PSAP) provides sufficient information to ensure that emergency responders are dispatched to a location at the facility from which the call was placed, where the responders are able to view all of the telephone stations in the contiguous area containing the telephone from which the emergency call was placed. Currently, an alternative method requires responders to be able to view all of the telephone stations at the facility. MLTS providers of a system using VOIP services acquired or installed on or after July 1, 2009, shall make reasonable efforts to ensure that emergency calls provide calling party information to the 9-1-1 network or an alternative method of providing call location information. The measure also provides that the MLTS provider of a multiline telephone system acquired or installed on or after July 1, 2009, is required, if reasonably achievable, to be able to provide calling party information to the 9-1-1 network that connects to the PSAP, or to provide an alternative method of providing call location information. Calling party information allows equipment at the PSAP to perform automatic location identification (ALI) and automatic number identification (ANI). MLTS providers are required to arrange to update the ALI database with the appropriate master street address guide, valid address and callback information corresponding to the calling party information for each telephone station, and to update the information as soon as practicable for new MLTS installation or within one business day of record completion of the actual changes for previously installed systems. Currently, such providers are required to ensure that emergency calls provide either ALI and ANI or an alternative method of providing call location information.

*Patron:* Nixon

On April 23, 2008 the Governor approved the legislation, which can be found in the Acts of Assembly - Chapter 853. This legislation becomes effective July 1, 2008.

### **HB 922 Registration fees; increase for firefighting and emergency medical services vehicles.**

An Act to amend and reenact § 46.2-694 of the Code of Virginia, relating to vehicle registration fees; four-for-life increase.

*Summary as introduced:*

**Vehicle registration fee increase for firefighting and emergency medical services.** Increases the “\$4-for-life” fee to \$4.25, with the revenues generated by the additional \$0.25 to be used for costs associated with the certification and recertification training of emergency medical services personnel.

*Patrons:* Rust and Wright

On March 3, 2008, the Governor approved this legislation and it becomes effective 7/1/08. This legislation can be found in the Acts of Assembly - Chapter 182.

### **HB 1225 & SB 412 Fire Programs Fund; increases rate of assessment.**

A BILL to amend and reenact § 38.2-401 of the Code of Virginia, relating to the Fire Programs Fund assessment.

*Summary as introduced:*

**Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.5 percent of the total direct gross premium income for fire and related lines of insurance. HB 1340 is incorporated into this bill.

*House Patron:* Bowling

*Senate Patron:* Puckett

On January 31, 2008 the House Committee on Commerce and Labor voted to continue this legislation to the 2009 General Assembly Session.

### **HB 1294 Good Samaritan statute; immunity extends to those providing care at location for screening, etc.**

An Act to amend and reenact § 8.01-225 of the Code of Virginia, relating to emergency care liability protection and compensation in the Good Samaritan context.

*Summary as introduced:*

**Good Samaritan statute; where protection extends; what is considered compensation.** Provides that immunity under the statute extends to those providing care at a location for screening or stabilization in addition to the scene of the accident and en route to the hospital. Also the bill clarifies that reimbursement for expenses is not considered compensation under the statute.

*Patrons:* Athey, Bell, Carrico, Cole, Cosgrove, Lingamfelter, Lohr, Massie, Merricks, Poindexter and Sherwood

On March 3, 2008 the Governor approved this legislation and it becomes effective on July 1, 2008. The legislation can be found at the Acts of Assembly - Chapter 229.

### **SB 362 Carbon monoxide detectors; prohibits removal or tampering by tenant installed by landlord.**

An Act to amend and reenact §§ 55-248.16 and 55-248.18 of the Code of Virginia, relating to tampering with carbon monoxide detectors.

*Summary as introduced:*

**Carbon monoxide detectors.** Prohibits removal or tampering by a tenant of a carbon monoxide detector installed by a landlord. This bill is a recommendation of the Virginia Housing Commission.

*Patron:* Watkins

This legislation was approved by the Governor on March 12, 2008 and can be found in the Acts of Assembly - Chapter 617. This legislation becomes effective 7/1/08.

### **SB 363 Automatic sprinkler systems; tax credit for initial installation.**

A BILL to amend the Code of Virginia by adding sections numbered 36-99.3:1 and 58.1-439.12:02, relating to the installation of automatic sprinkler systems in certain buildings and a tax credit for the same.

*Summary as introduced:*

**Installation of automatic sprinkler systems; tax credit for initial installation.** Requires that all buildings that (i) are more than 75 feet high or more than six stories high, (ii) are being used to house individuals or to provide guest rooms for occupancy, and (iii) are not equipped with an automatic sprinkler system would be equipped with an automatic sprinkler system by December 31, 2017. The Board of Housing and Community Development would be required to promulgate regulations establishing standards for the automatic sprinkler system. The bill also would make available to the owners of such building an income tax credit equal to 45% of the total amount paid by the owner for the initial installation of the sprinkler system. The tax credit could be carried forward for 10 years.

*Patron:* Watkins

This legislation was continued to the 2009 General Assembly Session on January 23, 2008 by the Senate General Laws and Technology committee.

### **SB 384 Firefighters and emergency rescue personnel; capital murder thereof, penalty.**

A BILL to amend and reenact § 18.2-31 of the Code of Virginia, relating to capital murder of certain firefighters and emergency rescue personnel; penalty.

*Summary as introduced:*

**Capital murder of certain firefighters and emergency rescue personnel; penalty.** Provides that the willful, deliberate, and premeditated killing of a fire marshal, firefighter, or member of an emergency rescue squad is punishable as capital murder, a Class 1 felony, when the killing is for the purpose of interfering with his official duties.

*Patron:* Martin

This legislation was continued until the 2009 General Assembly Session on January 16, 2008 by the Senate Courts of Justice committee.

### **SB 390 Emergency medical services; director may serve same function as chief of fire department.**

An Act to amend and reenact §§ 27-6.1, 27-13, 27-14, 27-15.1, 27-20, 27-34, and 27-85.4 of the Code of Virginia, relating to the fire and emergency medical departments and companies; director of fire and emergency medical services.

*Summary as introduced:*

**Fire and emergency medical departments and companies; director of fire and emergency medical services.** Clarifies that a Director of Fire and Emergency Medical Services may serve the same function as a chief of a fire department.

*Patron:* Martin

This legislation was approved by the Governor on March 5, 2008 and can be found in the Acts of Assembly - Chapter 410. This legislation becomes effective 7/1/08.

### **SB 679 Forest firefighting by localities or volunteer fire or rescue; recovery of costs.**

A BILL to amend and reenact § 10.1-1141 of the Code of Virginia, relating to recovery of fire fighting costs by localities; volunteer fire or rescue.

*Summary as passed:*

**Recovery of fire fighting costs by localities.** Allows a locality to collect the costs for fighting or extinguishing a fire if the fire was set intentionally and the person who set the fire did not prevent the fire from escaping. Further states that any such person shall be liable for the full amount incurred by the locality and any volunteer fire or rescue squad for fighting or extinguishing the fire and any reasonable administrative costs expended to collect such expenses. Also allows a locality to recover costs, up to \$750, from a minor's parents for any fire suppression that is the result of malicious or willful conduct on the part of the minor. The Department of Forestry already has the authority to collect costs expended by the Commonwealth in such circumstances.

*Patrons:* Senator Reynolds and Delegate Armstrong

This legislation was approved by the Governor on April 23, 2008 and can be found at Acts of Assembly - Chapter 835. This legislation becomes effective 7/1/08.

**The following information pertains to VDFP's FY08 budget and the biennial budget for FY09 and FY10.**

Per General Assembly action, the Fire Programs Fund interest money earned for FYs 2008, 2009 and 2010 will not go into the Fire Program Fund, but will be reverted to the General Fund. The following totals will be taken for each fiscal year:  
FY08 - \$5M total; FY09 - \$12M total; and FY10 - \$12M total.

*At this time, VDFP is not aware of the amount of Fire Programs Fund interest money that will be reverted to the General Fund.*

If you have any questions regarding the information contained in this report, please forward any questions to:

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