



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Fire Commission

TITLE-SERIES: 87-12

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: Junior Firefighters

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

15A-11-8

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

15A-11-8

PRIMARY CONTACT:

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THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Currently the fire service has concerns about junior members, and non member minors, participating in activities which are prohibited or inherently dangerous. This will clarify the things that junior and non member minors can do in regard to fire department activities.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? No

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This requires no training, and no cost, it is only in relation to regulation of certain persons and his or her activity.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Stacy L Nowicki-Eldridge--By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 87  
EMERGENCY LEGISLATIVE RULE  
STATE FIRE COMMISSION

SERIES 12  
JUNIOR FIREFIGHTERS

**§87-12-1. General.**

1.1. Scope. -- This rule establishes the parameters for Junior Firefighters responding to, and operating on a fire scene.

1.2. Authority. -- W. Va. Code §15A-11-8.

1.3. Filing Date. -- XXXXXXXXXX.

1.4. Effective Date. -- XXXXXXXXXXXXXXXXXXXXXXXX.

1.5 Sunset Provision. -- This rule shall terminate and have no further force or effect in 15 months.

**§87-12-2. Child Labor Regulations.**

2.1. The Commission intends for the provisions of this rule to supplement, and not supersede, the regulations set forth in the Child Labor Rule, W.Va.Code R. §42-9-1

**§87-12-3. Definitions.**

3.1. As used in this rule, the following terms shall mean:

3.1.a. Junior Firefighter- a person who is the age of 16 or 17 who is a member of a Fire Department.

3.1.b. Emergency Apparatus- Firefighting and response vehicles used by a Fire Department or by Fire Department Personnel, to respond to an emergency scene: Provided, That, a personal vehicle which has been issued an Emergency Vehicle Permit is only included in this definition if the lights and sirens are engaged, and the vehicle is responding to an emergency scene.

3.1.c. Non-member minor- Any Minor child under the age of 18 who is not a member of a Fire Department.

3.1.d. Firefighter One modules- the activities trained during the modules of this class are attached as Appendix A and are incorporated into this rule.

**§87-12-4. Emergency Apparatus Responding to a Fire or Emergency Scene.**

4.1. Junior Firefighters who have not completed a minimum Modules 1 and 2 of Fire Fighter 1, shall not travel on an emergency apparatus while the apparatus is traveling to or from a fire or an emergency scene.

4.2. Junior Firefighters who have completed at a minimum Modules 1 and 2 of Fire Fighter 1, may travel on an emergency apparatus either while the apparatus is traveling to or from a fire or an emergency scene, or not traveling to a fire or emergency scene: *Provided*, That the Junior Firefighter is properly belted in and follows all safety procedures while traveling on the emergency apparatus.

**§ 87-12-5. First Aid at a fire or emergency scene.**

5.1. Junior Firefighters who have not completed Basic First Aid and CPR training, shall not be permitted to administer first aid at any time on an emergency or fire scene.

5.2. Junior Firefighters who have completed Basic First Aid and CPR training, may administer first aid at a fire or emergency scene: *Provided*, That the Junior Firefighter shall not do so inside the fire scene area, or in a building or structure until the emergency or fire has been declared under control by the official in charge. *Provided further*, That any Junior Firefighter administering first aid but be under the direct supervision of a certified fire fighter over the age of 18.

**§87-12-6. Other functions which may be performed by Junior Firefighters.**

6.1 Once a Junior Fire Fighter completes at a minimum any module of Firefighter One, or who has completed the Firefighter One training in full, the Junior Fire Fighter may perform any activities at a fire or emergency scene which they have completed training within modules one or two of Firefighter one, while under direct supervision of a certified firefighter over the age of 18. Under no circumstances may a Junior Firefighter perform any activities trained in modules three or four of Firefighter One at a fire or emergency scene.

**§ 87-12-7. Non-member minors; Minors under the age of 16.**

7.1. Non-member minor children, or any minor under the age of 16 may not participate in any activity provided for in this rule, but may ride on an emergency apparatus while it is not in service: *Provided*, That the minor child is properly belted in and follows all safety procedures while traveling on the emergency apparatus.