

Senate Bill 322

By: Senator Streat of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and
2 safety, so as to change certain provisions relating to general requirements, equipment and
3 clothing, personnel, and insurance relative to fire departments; to change certain provisions
4 relating to suspension or revocation of certificate of compliance; to change certain provisions
5 relating to definitions relative to firefighter standards and training; to change certain
6 provisions relating to the Georgia Firefighter Standards and Training Council; to provide for
7 an executive director of the Georgia Firefighter Standards and Training Council; to change
8 certain provisions relating to a basic firefighter training course and transfer of certification;
9 to change certain provisions relating to mandatory annual training; to change certain
10 provisions; to amend Code Section 34-9-1 of the Official Code of Georgia Annotated,
11 relating to definitions relative to workers' compensation, so as to change certain provisions
12 relating to firefighters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
16 amended by striking Code Section 25-3-23, relating to general requirements, equipment and
17 clothing, personnel, and insurance relative to fire departments, and inserting in lieu thereof
18 the following:

19 "25-3-23.

20 (a) Except as otherwise provided in subsection (d) of this Code section, in order to be
21 legally organized:

22 (1) A fire department shall comply with the following requirements:

23 (A) ~~Be established in accordance with the provisions of the National Fire Protection~~
24 ~~Association Standard 1201~~ to provide fire and other emergency and nonemergency
25 services as specified by the local authority;

- 1 (B) Be capable of providing fire protection 24 hours a day, ~~seven days a week~~ 365 days
 2 per year;
- 3 (C) Be responsible for a defined area of operations depicted on a map located at the fire
 4 station; and
- 5 (D) Be staffed with a sufficient number of ~~qualified firefighters who are full time, part~~
 6 ~~time, or volunteers and who shall have successfully completed an approved basic~~
 7 ~~fire-fighting course conducted by or through the Georgia Fire Academy~~ full-time,
 8 part-time, or volunteer firefighters who have successfully completed basic firefighter
 9 training as specified by the Georgia Firefighter Standards and Training Council; and
- 10 (2) A fire department shall possess the following items of approved equipment and
 11 protective clothing:
- 12 (A) A minimum of one fully equipped, operable pumper with a capacity of at least ~~100~~
 13 750 GPM at ~~120~~ 150 PSI and a tank capacity of a minimum of 250 gallons; provided,
 14 however, ~~a minimum of one fully equipped, operable, and approved pumper of at least~~
 15 ~~750 GPM capacity is recommended~~ that previously approved fire apparatus which does
 16 not meet such minimum standards shall not be obsolete for service until replaced by the
 17 local authority;
- 18 (B) A minimum of equipment, appliances, adapters, and accessories necessary to
 19 perform and carry out the duties and responsibilities of a fire department set forth in
 20 Code Sections 25-3-1 and 25-3-2 as approved by the Georgia Firefighter Standards and
 21 Training Council;
- 22 (C) A minimum of two approved self-contained breathing apparatus for each pumping
 23 apparatus as approved by the Georgia Firefighter Standards and Training Council; and
- 24 (D) A minimum issue of sufficient personal protective clothing to permit each member
 25 to perform safely the duties of a firefighter.
- 26 ~~(b) A minimum of 15 firefighters for each fire department is recommended; however,~~
 27 ~~departments existing on or before July 1, 1984, shall be exempt from this recommendation.~~
- 28 ~~(c)~~(b) A legally organized fire department shall purchase and maintain sufficient workers
 29 compensation insurance coverage on each member of the fire department to pay claims for
 30 injuries sustained en route to, during, and returning from fire calls or other emergencies and
 31 disasters and scheduled training sessions.
- 32 ~~(d)~~(c) On and after July 1, 1998, the Georgia Firefighter Standards and Training Council
 33 shall be authorized, by rules and regulations, to establish and modify minimum
 34 requirements for all fire departments operating in this state, provided that such
 35 requirements are equal to or exceed the requirements provided in subsections ~~(a), (b), and~~
 36 ~~(c)~~ (a) and (b) of this Code section."

1 environment is at risk, which may include without limitation fire suppression, fire
 2 prevention activities, emergency medical services, hazardous materials response and
 3 preparedness, technical rescue operations, search and rescue, disaster management and
 4 preparedness, community service activities, response to civil disturbances and terrorism
 5 incidents, nonemergency functions including training, preplanning, communications,
 6 maintenance, physical conditioning, and other related emergency and nonemergency
 7 duties as may be assigned or required; provided, however, that a firefighter's assignments
 8 may vary based on geographic, climatic, and demographic conditions or other factors
 9 including training, experience, and ability.

10 (5) 'Full-time' means employed for compensation on a basis of at least 40 hours per week
 11 by any municipal, county, or state government fire department.

12 (6) 'Part-time' means employed for compensation on less than a full-time basis by any
 13 municipal, county, or state government fire department.

14 (7) 'Volunteer' means not employed for compensation by but appointed and regularly
 15 enrolled to serve as a firefighter for any municipal, county, or state government fire
 16 department."

17 **SECTION 4.**

18 Said title is further amended by striking Code Section 25-4-7, relating to the Georgia
 19 Firefighter Standards and Training Council, and inserting in lieu thereof the following:

20 "25-4-7.

21 The council is vested with the following functions and powers:

- 22 (1) To promulgate rules and regulations for the administration of the council;
- 23 (2) To provide rules of procedure for its internal management and control;
- 24 (3) To enter into contracts or do such things as may be necessary and incidental to the
 25 administration of its authority pursuant to this chapter;
- 26 (4) To establish uniform minimum standards for the employment and training of
 27 full-time, part-time, or volunteer firefighters, fire and life safety educators, fire inspectors,
 28 and fire investigators, including qualifications and requirements, which are consistent
 29 with this chapter;
- 30 (5) To establish minimum curriculum requirements for schools operated by or for any
 31 employing agency for the specific purpose of training firefighter recruits or full-time,
 32 part-time, or volunteer firefighters, fire and life safety educators, fire inspectors, and fire
 33 investigators;
- 34 (6) To approve institutions and facilities for school operation by or for any employing
 35 agency for the specific purpose of training firefighters and firefighter recruits;

- 1 (7) To make or support studies on any aspect of fire-fighting education and training or
 2 recruitment;
- 3 (8) To make recommendations concerning any matter within its purview;
- 4 (9) ~~To establish a firefighter recruit training program administered by such agencies and~~
 5 ~~institutions as it approves and to issue or authorize the issuance of a certificate of~~
 6 ~~completion to any person satisfactorily completing the training program~~ To establish
 7 basic firefighter training requirements for full-time, part-time, and volunteer firefighters;
- 8 (10) ~~To issue a certificate of compliance to~~ certify any person satisfactorily complying
 9 with the training program established in accordance with paragraph (9) of this Code
 10 section and the qualifications for employment covered in this chapter; and
- 11 (11) ~~To issue, at its discretion,~~ a certificate to any person who has received training in
 12 another state, when the council has determined that the training was at least equivalent
 13 to that required by the council for approved firefighter education and training programs
 14 in this state and when the person has satisfactorily complied with all other requirements
 15 of this chapter."

16 SECTION 5.

17 Said title is further amended by adding a new Code Section 25-4-7.1 to read as follows:

18 "25-4-7.1.

19 (a) The council shall appoint and establish the compensation of an executive director who
 20 shall serve at the pleasure of the council.

21 (b) The executive director may contract for such services and employ such other
 22 professional, technical, and clerical personnel as may be necessary and convenient to carry
 23 out the purposes of this chapter."

24 SECTION 6.

25 Said title is further amended by striking Code Section 25-4-9, relating to a basic firefighter
 26 training course and transfer of certification, and inserting in lieu thereof the following:

27 "25-4-9.

28 (a) ~~In addition to complying with the preemployment standards as set forth in Code~~
 29 ~~Section 25-4-8, each and every candidate, within 12 months after being appointed as a~~
 30 ~~full-time paid member of any fire department or fire division of any department of public~~
 31 ~~safety which employs three or more firemen, shall specifically complete at least a basic~~
 32 ~~training course of 120 hours of instruction. The council shall determine the courses, the~~
 33 ~~number of hours per course, and all matters relative to the basic training course. Upon~~
 34 ~~satisfactory completion of the course, a firefighter shall receive a certificate from the~~
 35 ~~council evidencing his satisfactory completion of the minimum standards of the training~~

1 ~~program.~~ Full-time, part-time, and volunteer firefighters shall successfully complete a
 2 basic training course conducted by or through the Georgia Fire Academy. The council
 3 shall determine the course content, number of hours, and all other matters relative to basic
 4 firefighter training. Upon satisfactory completion of such basic training, a firefighter shall
 5 be issued a certificate of completion by the Georgia Fire Academy evidencing the same.
 6 Each firefighter shall be required to successfully complete such basic training course within
 7 12 months after being employed or appointed as a firefighter.

8 (b) A firefighter certified by the council may, upon termination of employment from any
 9 fire department and upon agreement with a subsequently employing fire department,
 10 transfer such certification to the employing fire department.

11 (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire
 12 department may refuse to accept the transfer of previously acquired certification and may
 13 require any newly employed firefighter to complete the basic training course provided for
 14 in subsection (a) of this Code section."

15 SECTION 7.

16 Said title is further amended by striking Code Section 25-4-10, relating to mandatory annual
 17 training, and inserting in lieu thereof the following:

18 "25-4-10.

19 As a condition of ~~tenure or continued employment~~ certification, all firefighters shall train,
 20 drill, or study ~~at least 120 clock hours in each calendar year~~ at schools, classes, or courses
 21 at the local, area, or state level, as ~~provided~~ specified by the council. Authorized leaves of
 22 absence are expected."

23 SECTION 8.

24 Code Section 34-9-1 of the Official Code of Georgia Annotated, relating to definitions
 25 relative to workers' compensation, is amended by striking paragraph (2) and inserting in lieu
 26 thereof the following:

27 "(2) 'Employee' means every person in the service of another under any contract of hire
 28 or apprenticeship, written or implied, except a person whose employment is not in the
 29 usual course of the trade, business, occupation, or profession of the employer; and, except
 30 as otherwise provided in this chapter, minors are included even though working in
 31 violation of any child labor law or other similar statute; provided, however, that nothing
 32 contained in this chapter shall be construed as repealing or altering any such law or
 33 statute. Any reference to any employee who has been injured shall, if the employee dies,
 34 include such employee's legal representatives, dependents, and other persons to whom
 35 compensation may be payable pursuant to this chapter. All firefighters, law enforcement

1 personnel, and personnel of emergency management or civil defense agencies, emergency
2 medical services, and rescue organizations whose compensation is paid by the state or
3 any county or municipality, regardless of the method of appointment, and all full-time
4 county employees and employees of elected salaried county officials are specifically
5 included in this definition. There shall also be included within such term any volunteer
6 firefighter of any county or municipality of this state, but only for services rendered in
7 such capacity which are not prohibited by Code Section 38-3-36 ~~and only if the~~
8 ~~governing authority of the county or municipality for which such services are rendered~~
9 ~~shall provide by appropriate resolution for inclusion of such volunteer firefighters;~~ any
10 volunteer law enforcement personnel of any county or municipality of this state who are
11 certified by the Georgia Peace Officer Standards and Training Council, for volunteer law
12 enforcement services rendered in such capacity which are not prohibited by Code Section
13 38-3-36 and only if the governing authority of the county or municipality for which such
14 services are rendered shall provide by appropriate resolution for inclusion of such
15 volunteer law enforcement personnel; any person who is a volunteer member or worker
16 of an emergency management or civil defense organization, emergency medical service,
17 or rescue organization, whether governmental or not, of any county or municipality of
18 this state for volunteer services, which are not prohibited by Code Section 38-3-36,
19 rendered in such capacity and only if the governing authority of the county or
20 municipality for which such services are rendered shall provide by appropriate resolution
21 for inclusion of such volunteer members or workers; and any person certified by the
22 Department of Human Resources or the Composite State Board of Medical Examiners
23 and registered with any county or municipality of this state as a medical first responder
24 for any volunteer first responder services rendered in such capacity, which are not
25 prohibited by Code Section 38-3-36 and only if the governing authority of the county or
26 municipality for which such services are rendered shall provide by appropriate resolution
27 for inclusion of such responders. The various elected county officers and elected
28 members of the governing authority of an individual county shall also be included in this
29 definition, if the governing authority of said county shall provide therefor by appropriate
30 resolution. For the purposes of workers' compensation coverage, employees of county
31 and district health agencies established under Chapter 3 of Title 31 are deemed and shall
32 be considered employees of the State of Georgia and employees of community service
33 boards established under Chapter 2 of Title 37 shall be considered to be employees of the
34 state. For the purpose of workers' compensation coverage, members of the Georgia
35 National Guard and the State Defense Force serving on state active duty pursuant to an
36 order by the Governor are deemed and shall be considered to be employees of this state.
37 A person shall be an independent contractor and not an employee if such person has a

1 written contract as an independent contractor and if such person buys a product and
2 resells it, receiving no other compensation, or provides an agricultural service or such
3 person otherwise qualifies as an independent contractor. Notwithstanding the foregoing
4 provisions of this paragraph, any officer of a corporation may elect to be exempt from
5 coverage under this chapter by filing written certification of such election with the insurer
6 or, if there is no insurer, the State Board of Workers' Compensation as provided in Code
7 Section 34-9-2.1. For purposes of this chapter, an owner-operator as such term is defined
8 in Code Section 40-2-87 shall be deemed to be an independent contractor. Inmates or
9 persons participating in a work release program, community service program, or similar
10 program as part of the punishment for violation of a municipal ordinance pursuant to
11 Code Section 36-32-5 or a county ordinance or a state law shall not be deemed to be an
12 employee while participating in work or training or while going to and from the work site
13 or training site, unless such inmate or person is employed for private gain in violation of
14 Code Section 42-1-5 or Code Section 42-8-70 or unless the municipality or county had
15 voluntarily established a policy, on or before January 1, 1993, to provide workers'
16 compensation benefits to such individuals."

17 **SECTION 9.**

18 All laws and parts of laws in conflict with this Act are repealed.