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CHAPTER 49

Firefighter Mobilization

**SECTION 23‑49‑10.** Short title.

 This chapter is known and may be cited as the “Firefighter Mobilization Act of 2000”.

HISTORY: 2000 Act No. 386, Section 1.

**SECTION 23‑49‑20.** South Carolina Firefighter Mobilization Oversight Committee.

 There is created the South Carolina Firefighter Mobilization Oversight Committee, to be comprised of the following persons: (1) the State Fire Marshal; (2) the State Emergency Management Division Director of the Adjutant General’s Office; (3) the State Forester; (4) a county emergency management division coordinator appointed by the Governor upon consideration of the written recommendations of the Emergency Management Association for a term of three years; (5) the Chief of the South Carolina Law Enforcement Division or his designee; and (6) six fire prevention and control personnel appointed by the Governor upon consideration of the written recommendations of the South Carolina State Firefighters’ Association for three‑year terms, three of whom shall serve initial terms of two years, and three of whom shall serve initial terms of three years; thereafter, all fire prevention and control personnel shall serve three‑year terms. The Executive Director of the South Carolina State Firefighters’ Association shall serve as an ex officio, nonvoting member of the committee.

HISTORY: 2000 Act No. 386, Section 1; 2002 Act No. 190, Section 3; 2013 Act No. 85, Section 2, eff June 13, 2013.

Effect of Amendment

The 2013 amendment inserted “(5) the Chief of the South Carolina Law Enforcement Division or his designee” and made other nonsubstantive changes.

**SECTION 23‑49‑30.** Officers; meetings; vacancies.

 The State Fire Marshal shall serve as chairman and shall call meetings as often as he considers necessary or expedient. The State Emergency Management Division Director of the Adjutant General’s Office shall serve as vice chairman. Vacancies on the committee shall be filled in the manner of original appointment for the unexpired term.

HISTORY: 2000 Act No. 386, Section 1; 2002 Act No. 190, Section 4.

**SECTION 23‑49‑40.** No compensation for members.

 The members of the South Carolina Firefighter Mobilization Oversight Committee shall serve without compensation.

HISTORY: 2000 Act No. 386, Section 1.

**SECTION 23‑49‑50.** South Carolina Firefighter Mobilization Plan.

 The South Carolina Firefighter Mobilization Oversight Committee shall establish the South Carolina Firefighter Mobilization and Emergency Response Task Force Plan. The purpose of the plan is to provide for responding firefighting and rescue resources, including the South Carolina Emergency Response Task Force, from one part of the State to another part of the State or from one state to another state. The plan is operative (1) under emergencies declared by the Governor or by the President of the United States, (2) when a local fire chief needs additional resources after existing mutual aid agreements have been utilized, (3) when another state requests assistance in dealing with an emergency when a state mutual aid agreement exists between South Carolina and the other state, or (4) when the Chief of the State Law Enforcement Division directs a response to a terrorist or explosive device event. In addition, the plan operates and is a part of the State Emergency Response Plan.

HISTORY: 2000 Act No. 386, Section 1; 2013 Act No. 85, Section 3, eff June 13, 2013.

Effect of Amendment

The 2013 amendment inserted “and Emergency Response Task Force”, “, including the South Carolina Emergency Response Task Force”, and “or (4) when the Chief of the State Law Enforcement Division directs a response to a terrorist or explosive device event.”.

**SECTION 23‑49‑60.** Duties of South Carolina Firefighter Mobilization Committee; mutual aid agreements.

 (A) The South Carolina Firefighter Mobilization Oversight Committee shall (1) develop procedures and guidelines for dispatching and deploying rural and municipal fire and rescue resources, and (2) establish a system of regions in the State for managing fire and rescue emergencies utilizing an incident command system.

 (B) The committee shall develop a Firefighter Mobilization Mutual Aid Agreement and, with the assistance from the offices of the State Fire Marshal and State Emergency Management Director of the Adjutant General’s Office, secure local governments’ and other states’ participation in the agreement.

 (C) In order to receive fire and rescue resources under the South Carolina Firefighter Mobilization Plan, each county and municipality in the State must sign a mutual aid agreement. Other participating states must sign a mutual aid agreement with the State Emergency Management Division of the Adjutant General’s Office in order to receive the same, or similar, fire and rescue resources.

 (D) The committee shall develop guidelines for using resources allocated to the task force at the state and regional level.

HISTORY: 2000 Act No. 386, Section 1; 2002 Act No. 190, Section 5; 2013 Act No. 85, Section 4, eff June 13, 2013.

Effect of Amendment

The 2013 amendment added subsection (D) relating to guidelines for using resources.

**SECTION 23‑49‑65.** SLED jurisdiction.

 Pursuant to Section 23‑3‑15, the South Carolina Law Enforcement Division has specific and exclusive jurisdiction on behalf of the State in matters pertaining to the response to and crisis management of acts of terrorism and emergency event management of explosive devices.

HISTORY: 2013 Act No. 85, Section 1, eff June 13, 2013.

**SECTION 23‑49‑70.** State and regional coordinators.

 The South Carolina Firefighter Mobilization Oversight Committee shall appoint the number of state and regional coordinators the committee considers necessary and sufficient for the execution of the South Carolina Firefighter Mobilization and Emergency Response Task Force Plan. A state coordinator shall be designated by the committee to be in overall charge of coordinating the state response for fire and rescue services. A regional coordinator is in overall charge of a region for the purpose of coordinating the regional response for fire and rescue services and must report directly to the state coordinator designated by the committee. The Office of State Fire Marshal shall provide administrative support as required by the Firefighter Mobilization Oversight Committee to perform its prescribed functions. The state coordinator shall report to the State Fire Marshal and provide administrative support to the Firefighter Mobilization Oversight Committee.

HISTORY: 2000 Act No. 386, Section 1; 2013 Act No. 85, Section 5, eff June 13, 2013.

Effect of Amendment

The 2013 amendment inserted “and Emergency Response Task Force” in the first sentence, substituted “coordinating” for “managing” in the second and third sentences, and added the fourth and fifth sentences relating to the State Fire Marshall.

**SECTION 23‑49‑80.** Information from the South Carolina State Firefighters’ Association

 The committee may request and utilize information regarding equipment, personnel, and other fire and rescue resources maintained by the South Carolina State Firefighters’ Association.

HISTORY: 2000 Act No. 386, Section 1; 2013 Act No. 85, Section 6, eff June 13, 2013.

Effect of Amendment

The 2013 amendment substituted “Firefighters’” for “Firemen’s”.

**SECTION 23‑49‑90.** Resources under command of local authority during an emergency.

 All fire and rescue resources requested and received under the South Carolina Firefighter Mobilization Plan shall be under the command of the local authority having jurisdiction during an emergency until such resources are released.

HISTORY: 2000 Act No. 386, Section 1.

**SECTION 23‑49‑100.** South Carolina Department of Transportation and South Carolina National Guard to assist with transportation of equipment and personnel.

 When directed by the Governor, the South Carolina Department of Transportation and the South Carolina National Guard shall assist with the transportation of equipment and personnel under this chapter .

HISTORY: 2000 Act No. 386, Section 1.

**SECTION 23‑49‑110.** Definitions; liability.

 (A) For purposes of this chapter:

 (1) “Dry fire hydrant” means a fire hydrant that is connected to a source of water from which water is pumped for fire suppression or fire suppression training.

 (2) “Firefighting agency” means any entity that provides firefighting services including, but not limited to:

 (a) a fire department;

 (b) a political subdivision of this State authorized to provide firefighting services; and

 (c) the South Carolina Forestry Commission or commission cooperators.

 (3) “Source of water” means a water system, water tank, ditch, pool, pond, lake, or river.

 (4) “Fire and rescue resources” means local firefighting and rescue resources that include structural firefighting teams, firefighting water supply teams, wild land firefighting teams, rescue teams, and hazardous materials teams.

 (5) “South Carolina Emergency Response Task Force” means an organization of specialized units manned through voluntary participation by various agencies and overseen by the State Fire Marshal that provides a comprehensive all‑hazard tiered response to incidents by providing services including, but not limited to, firefighting, urban search and rescue, aviation search and rescue, technical rescue, incident support, and the mitigation of hazardous materials.

 (6) “Hazardous materials team” means a specialized unit that responds to the spill, leak, or disbursement of a hazardous product in order to identify, mitigate, and recover from the effects of that incident.

 (B) An owner, lessee, or occupant of real property from whom a firefighting agency utilizes a source of water for firefighting purposes is not liable for damage for personal injury, death, or injury to or destruction of property occurring from:

 (1) removal of water from a dry fire hydrant or the installation and maintenance of a dry fire hydrant;

 (2) removal of water by drafting or through a pressure hose;

 (3) removal of water by a bucket or hose suspended from a helicopter; or

 (4) removal of water by a fixed wing aircraft.

HISTORY: 2000 Act No. 386, Section 1; 2013 Act No. 85, Section 7, eff June 13, 2013.

Effect of Amendment

The 2013 amendment added subsections (A)(4), (A)(5), and (A)(6), the definitions for “Fire and rescue resources”, “South Carolina Emergency Response Task Force”, and “Hazardous materials team”.

**SECTION 23‑49‑120.** Donations of fire protection, control and rescue equipment.

 (A) For purposes of this chapter, “fire protection, control, and rescue equipment” or “equipment” means, but is not limited to, a vehicle, a firefighting tool, protective gear, breathing apparatus, and any other tools or supplies commonly used or capable of use in fire prevention, firefighting, or fire rescue.

 (B) The South Carolina Forestry Commission may accept donations of new or used fire protection, control, and rescue equipment from individuals or organizations. Donated equipment accepted by the commission may be retained for use by the commission or distributed to county, municipal, or other fire departments in this State or to other state or local emergency service or rescue organizations. A fire department or other organization accepting donated breathing apparatus from the commission shall cause the breathing apparatus to be recertified according to the manufacturer’s specifications by the manufacturer or a technician certified by the manufacturer before it is placed into service or used by the fire department or other organization.

 (C) A donor or donor organization acting in good faith when donating new or used equipment that is apparently fit for use by humans and for its intended purpose is not subject to criminal penalties or civil liability for death or injuries to persons or property arising from a disclosed defect in the equipment, from an unknown defect in the equipment, or from the condition of the donated equipment, unless the death or injury to persons or property is caused by gross negligence, recklessness, or intentional misconduct of the donor.

HISTORY: 2000 Act No. 386, Section 1.