**South Carolina General Assembly**

124th Session, 2021-2022

**A170, R171, S460**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

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Introduced in the Senate on January 13, 2021

Introduced in the House on March 29, 2022

Last Amended on May 5, 2022

Passed by the General Assembly on May 11, 2022

Governor's Action: May 16, 2022, Signed

Summary: State Fire Marshal

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2021 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj\20210113.docx))

1/13/2021 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 4](file:///h:\sj\20210113.docx))

2/16/2022 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 4](file:///h:\sj\20220216.docx))

2/17/2022 Scrivener's error corrected

2/22/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 17](file:///h:\sj\20220222.docx))

3/10/2022 Senate Read second time ([Senate Journal‑page 13](file:///h:\sj\20220310.docx))

3/10/2022 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 13](file:///h:\sj\20220310.docx))

3/15/2022 Senate Read third time and sent to House ([Senate Journal‑page 18](file:///h:\sj\20220315.docx))

3/29/2022 House Introduced and read first time ([House Journal‑page 33](file:///h:\hj\20220329.docx))

3/29/2022 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 33](file:///h:\hj\20220329.docx))

4/28/2022 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 5](file:///h:\hj\20220428.docx))

5/4/2022 House Debate adjourned ([House Journal‑page 110](file:///h:\hj\20220504.docx))

5/5/2022 House Amended

5/5/2022 House Read second time

5/5/2022 House Roll call Yeas‑108 Nays‑0

5/10/2022 House Read third time and returned to Senate with amendments ([House Journal‑page 17](file:///h:\hj\20220510.docx))

5/11/2022 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 86](file:///h:\sj\20220511.docx))

5/11/2022 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 86](file:///h:\sj\20220511.docx))

5/12/2022 Ratified R 171 ([Senate Journal‑page 204](file:///h:\sj\20220512.docx))

5/16/2022 Signed By Governor

5/31/2022 Effective date 05/16/22

5/31/2022 Act No.  170

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**VERSIONS OF THIS BILL**

[1/13/2021](file:///p:\pprever\2021-22\460_20210113.docx)

[2/16/2022](file:///p:\pprever\2021-22\460_20220216.docx)

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[5/5/2022](file:///p:\pprever\2021-22\460_20220505.docx)

(A170, R171, S460)

**AN ACT TO AMEND SECTION 23‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF THE OFFICE OF STATE FIRE MARSHAL TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE STATE FIRE MARSHAL’S DUTIES AND RESPONSIBILITIES, SO AS TO DELETE CERTAIN OBSOLETE LANGUAGE, MAKE TECHNICAL CHANGES, AND PROVIDE THE DIVISION OF FIRE AND LIFE SAFETY SHALL BE REFERRED TO AS STATE FIRE AND ESTABLISH ITS PROGRAM AREAS; TO AMEND SECTION 23‑9‑20, RELATING TO THE DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE HE HAS STATEWIDE JURISDICTION AND PROVIDE ADDITIONAL RESPONSIBILITIES; TO AMEND SECTION 23‑9‑25, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, SO AS TO PROVIDE THE PEER‑REVIEW PANEL SHALL HAVE AUTHORITY TO ESTABLISH FUNDING PRIORITIES COMMUNICATED THROUGH AN ANNUAL NOTICE OF FUNDING OPPORTUNITY, TO MAKE TECHNICAL CHANGES, TO ALLOW CERTAIN GRANT RECIPIENTS WHO HAVE GRANT FUNDS AVAILABLE AFTER COMPLETING THE APPROVED SCOPE OF WORK PRIOR TO THE END OF THE PERFORMANCE PERIOD TO CONTINUE OR EXPAND CERTAIN ACTIVITIES WITHOUT SUBMITTING AN APPLICATION TO AMEND THEIR GRANT REQUESTS OR SUBMIT APPLICATIONS TO AMEND GRANT REQUESTS, TO REDIRECT REMAINING FUNDS TO ANOTHER ELIGIBLE PROJECT, AND TO PROVIDE THREE PERCENT OF THE FUNDS COVERED BY THIS SECTION SHALL BE USED TO FUND COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 23‑9‑30, RELATING TO CERTAIN DUTIES THAT MAY BE DELEGATED TO THE CHIEFS OF ORGANIZED FIRE DEPARTMENTS, COUNTY FIRE MARSHALS, OR DEPUTY STATE FIRE MARSHALS BY THE STATE FIRE MARSHAL, SO AS TO PROVIDE CERTAIN DUTIES RELATING TO INVESTIGATIONS, INSPECTIONS, AND ENFORCEMENT MAY BE DELEGATED TO CERTAIN PERSONS BY THE STATE FIRE MARSHAL AND PROVIDE THE STATE FIRE MARSHAL HAS AUTHORITY TO PROMULGATE CERTAIN REGULATIONS; TO AMEND SECTION 23‑9‑45, RELATING TO THE ISSUANCE OF CLASS D FIRE EQUIPMENT PERMITS, SO AS TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL CLASSES OF LICENSES AND PERMITS, PROVIDE APPLICANTS OF THESE LICENSES AND PERMITS MUST MEET CERTAIN REQUIREMENTS SET FORTH IN REGULATION, AND ARE ABLE TO MEET THE MAINTENANCE AND PERFORMANCE STANDARDS AND CODES ADOPTED BY THE SOUTH CAROLINA BUILDING CODES COUNCIL, TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT ALLOWS THE STATE FIRE MARSHAL TO ESTABLISH LICENSE AND PERMIT FEES; TO AMEND SECTION 23‑9‑50, RELATING TO THE STATE FIRE MARSHAL’S AUTHORITY TO INSPECT CERTAIN BUILDINGS OR PREMISES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH HE MAY ENTER BUILDINGS AND PREMISES TO INCLUDE WHEN AN EXPLOSION HAS OCCURRED, OR UNDER CERTAIN CIRCUMSTANCES WHEN A FATALITY OR SERIOUS INJURY HAS OCCURRED; BY ADDING SECTION 23‑9‑125 SO AS TO PROVIDE THE AUTHORITY OF THE STATE BOARD OF PYROTECHNIC OR THE REGULATION OF FIREWORKS ARE NOT AFFECTED BY THESE PROVISIONS; TO AMEND CHAPTER 10, TITLE 26, RELATING TO THE SOUTH CAROLINA FIRE ACADEMY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23‑49‑120, RELATING TO THE SOUTH CAROLINA FORESTRY COMMISSION’S ACCEPTANCE OF DONATIONS OF FIRE EQUIPMENT, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION DIVISION OF FIRE AND LIFE SAFETY ALSO MAY ACCEPT DONATIONS OF EQUIPMENT; TO AMEND SECTION 40‑80‑30, RELATING TO FIREFIGHTERS REGISTERING WITH THE STATE FIRE MARSHAL, SO AS TO REVISE THE COSTS AND PROCESS OF OBTAINING FIREFIGHTER RECORDS; TO REPEAL SECTIONS 23‑9‑35, 23‑9‑40, 23‑9‑60, 23‑9‑110, AND 23‑9‑130 ALL RELATING TO CERTAIN DUTIES OF THE STATE FIRE MARSHAL; AND TO AMEND SECTION 23‑9‑25, RELATING TO THE VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM, SO AS TO PROVIDE IT IS NOW WITHIN THE DIVISION OF THE STATE FIRE MARSHAL, REMOVE THE LIMITATION PLACED ON THE MAXIMUM DOLLAR AMOUNT OF GRANTS IT MAY OFFER, TO DELETE THE TERM “CHARTERED” AS IT IS USED TO IDENTIFY VARIOUS FIRE DEPARTMENTS, TO PROVIDE FIRE DEPARTMENTS MAY BE AWARDED ONE GRANT ANNUALLY, TO REVISE THE PURPOSES FOR WHICH FIRE DEPARTMENTS MAY USE GRANT MONEY, TO PROVIDE THE PEER‑REVIEW PANEL SHALL OVERSEE THE ISSUANCE AND COMPLIANCE WITH THE PRESCRIBED INTENT OF THE GRANTS, TO DELETE THE PROVISIONS THAT RELATE TO JUSTIFICATIONS THAT MUST BE INCLUDED IN GRANT APPLICATIONS AND CRITERIA TO EVALUATE GRANT APPLICATIONS, TO PROVIDE INSTANCES THAT WOULD MAKE FIRE DEPARTMENTS INELIGIBLE TO BE AWARDED FUTURE GRANTS, TO PROVIDE RECIPIENTS MAY USE A CERTAIN AWARD AMOUNT TO CONTINUE OR EXPAND ACTIVITIES WITHOUT SUBMITTING APPLICATIONS TO AMEND GRANT REQUESTS, TO PROVIDE AWARD RECIPIENTS CAN SUBMIT APPLICATIONS TO HAVE GRANT FUNDS REDIRECTED TO ANOTHER ELIGIBLE PROJECT, TO PROVIDE THE STATE FIRE MARSHAL ADDITIONAL DUTIES, TO PROVIDE HE MAY RETAIN CERTAIN FUNDS TO DEFRAY CERTAIN ADMINISTRATIVE COSTS, AND PROVIDE GRANT FUNDS MAY BE CARRIED FORWARD TO THE NEXT FISCAL YEAR AND USED FOR THE SAME PURPOSE.**

Be it enacted by the General Assembly of the State of South Carolina:

**State Fire Marshal**

SECTION 1. Section 23‑9‑10 of the 1976 Code is amended to read:

“Section 23‑9‑10. The State Fire Marshal shall have a master’s degree from an accredited institution of higher learning and at least four years experience in fire prevention and control or a bachelor’s degree and eight years experience in fire prevention and control. The Governor shall appoint the State Fire Marshal who shall serve as the Deputy Director of the Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation. The Division of Fire and Life Safety, in the alternative, shall be referred to as State Fire and shall consist of the following primary program areas: the Office of State Fire Marshal, the State Fire Academy, and the Emergency Response Task Force.”

**State Fire Marshal**

SECTION 2. Section 23‑9‑20 of the 1976 Code is amended to read:

“Section 23‑9‑20. (A) The State Fire Marshal shall have jurisdiction and authority statewide, on behalf of the State, in matters including, but not limited to, the following functions and activities provided the aforementioned jurisdiction and authority does not, and is not intended to supersede the authority granted to the State Board of Pyrotechnic Safety relating to the manufacture, sale, and storage of fireworks described in Sections 40‑56‑1, et seq.:

(1) the enforcement of all laws and ordinances of the State with reference to the following:

(a) the prevention of fires;

(b) the storage, sale, and use of combustibles and explosives;

(c) the installation and maintenance of fire alarm systems and fire extinguishing systems and equipment;

(d) the means of egress from all buildings, except for one‑family and two‑family dwellings, unless otherwise required or permitted through law or regulation;

(e) the investigation of the cause, origin, and circumstances of a fire;

(f) conformance with fire prevention and protection codes and standards, based upon nationally recognized codes and standards, as may be prescribed by law or regulation for the prevention of fires and the protection of life and property;

(g) the facilitation of the reporting of fires through the National Fire Incident Reporting System;

(h) the collection of information concerning the causes, prevention, and reduction of damage from fire and other forms of community loss. The Office of State Fire Marshal, from time to time, may disseminate this information in an appropriate manner as needed to aid in public protection or the training of firefighters; and

(i) other fire‑related activities not inconsistent with the mission of State Fire or otherwise prescribed by law;

(2) the enforcement of the laws and regulations of the Liquefied Petroleum Gas Board and the South Carolina Hydrogen Permitting Program;

(3) the employment and supervision of personnel necessary to carry out the duties of his office;

(4) the implementation of licensing, permitting, and certification programs, based upon nationally recognized codes and standards, and the promulgation of regulations, not to include the manufacture, sale, or storage of fireworks as regulated by the State Board of Pyrotechnic Safety, for:

(a) explosives in accordance with Chapter 36, Title 23;

(b) pyrotechnic displays and shooters;

(c) fire protection systems and all classes of equipment; and

(d) persons performing fire inspections under the authority of Section 23‑9‑30;

(5) the promulgation of fire prevention and protection regulations, based upon nationally recognized codes and standards, for the protection of the life and property of the residents of this State from fire; and

(6) the administrative and operational responsibilities for all program areas of State Fire, including the Office of State Fire Marshal, the State Fire Academy, and the Emergency Response Task Force.

(B) The Office of State Fire Marshal may issue an administrative citation for any violation of this chapter or the fire code. Service of the citation may be in person or by certified mail. Except that, the Office of State Fire Marshall shall not issue a separate administrative citation, under the authority of this chapter, for violations of the licensing requirements and regulations promulgated by the State Board of Pyrotechnic Safety regarding the manufacture, sale, and storage of fireworks.

(C) The Office of State Fire Marshal may issue separate citations for each violation. However, no more than one thousand dollars in administrative penalties may be assessed for each violation. For a first offense, a written order specifying the code violations that need to be corrected and specifying a time frame for the corrections must be issued. The time frame to complete the corrections is thirty days, unless a finding is made that the violation impacts the health, safety, or welfare of the public and that an imminent threat of harm exists if the violation is not immediately abated. If the violations are not corrected within the time allotted, then an administrative penalty may be assessed.

(D) An entity or individual assessed an administrative penalty by the Office of State Fire Marshal may appeal the penalty to the State Fire Marshal, or his designee, within ten days of the receipt of the citation. If no appeal is filed, then the citation is deemed a final order, and the penalties must be paid within thirty days of the receipt of the citation. The State Fire Marshal may enforce any order by filing a civil action through the administrative law court, in the name of the State, for injunctive relief against a person who violates this article, a regulation promulgated under this article, or a final order.

(E) All fines collected under this section by the Office of State Fire Marshal must be remitted by the Office of State Fire Marshal and deposited in a special fund established for State Fire to defray the administrative costs associated with this article.

(F) Nothing in this section prohibits the State Fire Marshal from exercising the statutory authority outlined in Section 23‑9‑70.”

**Peer‑review panel**

SECTION 3. Section 23‑9‑25(F)(2) and (5) of the 1976 Code is amended to read:

“(2) The peer‑review panel shall consist of nine voting members who shall serve without compensation. Seven members must be fire chiefs from each of the seven regions of the State as defined by the State Fire Marshal. The Chairman of the House Ways and Means Committee shall appoint fire chiefs from Regions 1, 2, and 7. The Chairman of the Senate Finance Committee shall appoint fire chiefs from Regions 3, 4, and 6. The Governor shall appoint one fire chief from Region 5 and one fire chief from the State at large. The State Fire Marshal also shall serve as a member. The President of the South Carolina State Firefighters’ Association shall serve as a nonvoting member and chairman of the committee. The peer‑review panel shall have the authority to establish funding priorities, by consensus, for each grant cycle, based on its assessment of the greatest needs of the South Carolina Fire Service, and within the purposes established in this section. Funding priorities shall be communicated through an annual Notice of Funding Opportunity, which shall accompany the announcement of the grant application period.

(5) A recipient that completes the approved scope of work prior to the end of the performance period, and still has grant funds available, may:

(a) use the greater of one percent of his award amount or three hundred dollars to continue, or expand, the activities for which he received the award without submitting an application to amend his grant request;

(b) use excess funds to create or expand, a fire or injury prevention program. Excess funds above the amounts discussed in subitem (a) must be used for fire or injury prevention activities or returned to the program. In order to use excess funds for fire or injury prevention activities, a recipient must submit an amendment to its grant. The amendment request must explain fire or injury prevention efforts currently underway within the organization, where the use of excess funds would fit within the existing efforts, the target audience for the fire or injury prevention project and how this audience was identified, and how the effectiveness of the requested fire or injury prevention project will be evaluated;

(c) submit an application to the peer‑review panel to amend his grant request to redirect remaining funds to another eligible project;

(d) use a combination of subitems (a) and (b); or

(e) return excess funds to the program. To return the excess funds, a recipient must close out its award and state in the final performance report that the remaining funds are not necessary for the fulfillment of grant obligations. The recipient also must indicate that it understands that the funds will be unavailable for future expenses.”

**State Fire Marshal**

SECTION 4. Section 23‑9‑25 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) Three percent of these funds shall be retained by the State Fire Marshal for the express purpose of funding costs associated with the administration of the program.”

**State Fire Marshal**

SECTION 5. Section 23‑9‑30 of the 1976 Code is amended to read:

“Section 23‑9‑30. (A) The chief of any organized fire department or county fire marshal is ex officio resident fire marshal; however, this chapter does not repeal, amend, or otherwise affect Chapter 25, Title 5.

(B) All duties of investigation, inspection, and enforcement vested in the State Fire Marshal may be exercised or discharged within the area of his service by any deputy state fire marshal, any ex officio resident fire marshal, or any state or local governmental employee certified by the State Fire Marshal.

(C) The State Fire Marshal shall have the authority to promulgate regulations regarding the training, certification, and recertification of fire marshals, and disciplinary procedures, up to and including the revocation of a certification for cause.”

**Fire equipment dealer licenses and permits**

SECTION 6. Section 23‑9‑45 of the 1976 Code is amended to read:

“Section 23‑9‑45. (A) An applicant for a Class A, B, C, D, or E fire equipment dealer license or permit, or both, shall provide proof of a current manufacturer’s training certificate for each type of preengineered fire extinguishing system and meet additional fire and life safety requirements as set forth in regulation. However, if the applicant can provide proof of a current manufacturer’s training certificate for at least one type of preengineered fire extinguishing system, the applicant may submit a sworn affidavit for each additional type of preengineered fire extinguishing system for which a license or permit, or both, is requested.

(B) The affidavit shall attest to the applicant’s ability to obtain the proper manufacturer’s installation and maintenance manuals and provide testament that all installations and maintenance shall be performed in compliance with the manufacturer’s installation and maintenance manuals and codes adopted by the South Carolina Building Codes Council. Any violation of the affidavit is grounds for the revocation of the fire equipment dealer license or the fire equipment permit, or both.

(C) The State Fire Marshal is authorized to charge a license fee for all classes of fire equipment licenses issued by the State Fire Marshal and a permit fee for all classes of fire equipment permits issued by the State Fire Marshal. Fees may be set by regulation not more than once each two years and must be based upon the costs of administering the provisions of this chapter and must give due regard to the time spent by division personnel in performing duties. The qualifications and requirements of licensees and permittees shall be contained in regulation.”

**State Fire Marshal**

SECTION 7. Section 23‑9‑50 of the 1976 Code is amended to read:

“Section 23‑9‑50. (A) The State Fire Marshal shall have authority at all times of the day or night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire or explosion has occurred and other adjoining buildings or premises. Provided, that the State Fire Marshal may enter a private dwelling or premise only with the permission of the owner or occupant, or if:

(1) there is probable cause to believe that a violation of the provisions respecting fire laws exists;

(2) there exists imminent danger to the occupants thereof or imminent danger of arson; or

(3) a fatality or serious injury has occurred as a result of a fire, an explosion, or arson.

(B) The State Fire Marshal shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

(C) Nothing in this section shall restrict the authority of the State Fire Marshal from investigating any premises which has been damaged by a fire of suspicious cause within a reasonable period of time after the occurrence of such fire.”

**State Board of Pyrotechnic Safety**

SECTION 8. Article 1, Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Section 23‑9‑125. This chapter does not repeal, amend, or otherwise affect the authority of the State Board of Pyrotechnic Safety or the regulation of fireworks, pursuant to Chapter 56, Title 40.”

**South Carolina State Fire Academy**

SECTION 9. Chapter 10, Title 23 of the 1976 Code is amended to read:

“CHAPTER 10

South Carolina State Fire Academy

Section 23‑10‑10. (A) The State Fire Marshal has the sole responsibility for the operation of the State Fire Academy (academy). The academy is operated for the express purpose of upgrading the state’s paid, volunteer, and industrial fire service personnel. All buildings, facilities, equipment, property, and instructional materials which are now or become a part of the academy are assigned to the academy and may not be integrated with any other local or state agency, association, department, or technical education center, without the consent of the Director of the Department of Labor, Licensing and Regulation or his designee.

(B) There is created the State Fire Academy Advisory Committee which shall advise and assist the State Fire Marshal in developing a comprehensive training program based upon the needs of the fire service in this State. Membership on the committee includes:

(1) the Chairman and appointed members of the Training and Education Committee of the South Carolina State Firefighters’ Association. The Chairman of the Training and Education Committee also shall serve as the Chairman of the State Fire Academy Advisory Committee;

(2) one member from the South Carolina State Association of Fire Chiefs appointed by the president of the association;

(3) one member from the South Carolina Fire Marshal Association appointed by the president of the association;

(4) one member from the South Carolina Society of Fire Service Instructors appointed by the president of the society;

(5) one member from the Professional Firefighters Association appointed by the president of the association;

(6) one member from the South Carolina Chapter of International Association of Arson Investigators appointed by the president of the chapter;

(7) the Superintendent of the State Fire Academy who shall serve as secretary without voting privileges. Membership from the State Fire Academy is limited to the superintendent only;

(8) one industrial fire protection representative appointed by the President of the South Carolina Chapter of the American Society of Safety Engineers;

(9) the Executive Director of the South Carolina State Firefighters’ Association who shall serve as a member ex officio without voting privileges;

(10) the State Fire Marshal as a member ex officio without voting privileges;

(11) one member from higher education having experience and training in curriculum development appointed by the Director of the Department of Labor, Licensing and Regulation; and

(12) one member from the Life Safety Education Section of the South Carolina State Firefighters’ Association appointed by the president of the section.

Section 23‑10‑20. The South Carolina Department of Labor, Licensing and Regulation is authorized to purchase and issue clothing to the staff of the State Fire Academy.”

**Donations**

SECTION 10. Section 23‑49‑120(B) of the 1976 Code is amended to read:

“(B) The South Carolina Forestry Commission and the Department of Labor, Licensing and Regulation, Division of Fire and Life Safety, may accept donations of new or used fire protection, control, and rescue equipment from individuals or organizations. Donated equipment accepted by the commission or department may be retained for use by the commission or department 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 or department 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.”

**Files**

SECTION 11. Section 40‑80‑30(D) of the 1976 Code is amended to read:

“(D) Any registered firefighter may at any time request and obtain a copy of his file. An unofficial version of a firefighter’s file is available at no cost by way of secured web addresses. The fee for an official copy of a firefighter’s transcript is three dollars payable to the Office of State Fire Marshal. The fee for a reprinted certificate is five dollars payable to the Office of State Fire Marshal.”

**Repeal**

SECTION 12. Sections 23‑9‑35, 23‑9‑40, 23‑9‑60, 23‑9‑110, and 23‑9‑130 of the 1976 Code are repealed.

**Volunteer Strategic Assistance and Fire Equipment Program**

SECTION 13. Section 23‑9‑25 of the 1976 Code is amended to read:

“Section 23‑9‑25. (A) It is the purpose of this section to create the ‘Volunteer Strategic Assistance and Fire Equipment Program’ (V‑SAFE) within the Division of the State Fire Marshal.

(B) This section is contingent upon the General Assembly appropriating funds for the offering of grants to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, terrorism, and to provide for the safety of volunteer firefighters.

(C)(1) As contained in this section:

(a) ‘Fire department’ means a public or governmental sponsored organization providing fire suppression activities with a minimum of a Class 9 rating from the Insurance Services Office;

(b) ‘Volunteer fire department’ means a fire department whose personnel serve for no compensation or are paid on a per‑call basis; and

(c) ‘Combination fire department’ means a fire department with both members who are paid and members who serve as volunteer firefighters.

(2) Volunteer fire departments and combination fire departments with a staffing level that is at least fifty percent volunteer are eligible to receive grants pursuant to this section. A fire department that receives a grant must comply with the firefighter registration provisions of Act 60 of 2001 and sign the statewide mutual aid agreement with the South Carolina Emergency Management Division.

(D) An eligible fire department may be awarded only one grant annually.

(E) The grant money received by a fire department must be used for the following purposes:

(1) fire suppression equipment;

(2) self‑contained breathing apparatus;

(3) portable air refilling systems;

(4) hazardous materials spill leak detection, repair, and recovery equipment;

(5) protective clothing and equipment;

(6) new and used fire apparatus;

(7) emergency response vehicles;

(8) training;

(9) rescue equipment;

(10) medical equipment;

(11) decontamination equipment;

(12) safety equipment;

(13) real properties or improvements thereto including upgrades and rehabilitations; and

(14) communications equipment.

(F)(1) The State Fire Marshal shall administer the grants in conjunction with a peer‑review panel.

(2) The peer‑review panel shall consist of nine voting members who shall serve without compensation. Seven members must be fire chiefs from each of the seven regions of the State as defined by the State Fire Marshal. The Chairman of the House Ways and Means Committee shall appoint fire chiefs from Regions 1, 2, and 7. The Chairman of the Senate Finance Committee shall appoint fire chiefs from Regions 3, 4, and 6. The Governor shall appoint one fire chief from Region 5 and one fire chief from the State at large. The State Fire Marshal also shall serve as a member. The President of the South Carolina State Firefighters’ Association shall serve as a nonvoting member and chairman of the committee. The peer‑review panel shall act as an oversight panel and act to ensure compliance, relevance, and adherence to the prescribed intent of the grants as set forth in this section.

(3) An applicant for grant money must submit justification for their project that provides details regarding the project and the project’s budget. Applicants that falsify their application, or misrepresent their organization in any material manner, shall have their applications deemed ineligible and referred to the Attorney General for further action, as the Attorney General deems appropriate.

(4) The project period for any award grant shall be twelve months from the date of the award. Any equipment purchased with the grant must meet all mandatory regulatory requirements, as well as, all state, national, and Department of Homeland Security adopted standards.

Award recipients must agree to:

(a) perform, within the designated period of performance, all approved tasks as outlined in the application;

(b) retain grant files and supporting documentation for three years after the conclusion and close out of the grant or any audit subsequent to close out;

(c) ensure all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition. In doing so, the recipient must follow its established procurement law when purchasing vehicles, equipment, and services with the grant. If possible, the recipient must obtain at least two quotes or bids for the items being procured and document the process used in the grant files. Sole‑source purchasing is not an acceptable procurement method except in circumstances allowed by law;

(d) submit a performance report to the peer‑review panel six months after the grant is awarded. If a grant’s period of performance is extended for any reason, the recipient must submit performance reports every six months until the grant is closed out. At grant closeout, the recipient must report how the grant funding was used and the benefits realized from the award in a detailed final report. An accounting of the funds also must be included;

(e) Any fire department that fails to submit the required progress and close‑out reports shall be deemed ineligible for future grants until the required reports are submitted and for a period of no less than one grant cycle. Any fire department that is found to have fraudulently expended funds or misrepresented how the funds were utilized will be referred to the Attorney General for further action; and

(f) make grant files, books, and records available, if requested by any person, for inspection to ensure compliance with any requirement of the grant program.

(5) A recipient that completes the approved scope of work prior to the end of the performance period, and still has grant funds available, may:

(a) use the greater of one percent of their award amount or three hundred dollars to continue or expand, the activities for which they received the award without submitting an application to amend the grant request;

(b) use excess funds to create or expand, a fire or injury prevention program. Excess funds above the amounts discussed in subitem (a) must be used for fire or injury prevention activities or returned to the program. In order to use excess funds for fire or injury prevention activities, a recipient must submit an amendment to its grant. The amendment request must explain fire or injury prevention efforts currently underway within the organization, where the use of excess funds would fit within the existing efforts, the target audience for the fire or injury prevention project and how this audience was identified, and how the effectiveness of the requested fire or injury prevention project will be evaluated;

(c) use a combination of subitems (a) and (b);

(d) submit an application to the peer‑review panel to amend the grant request to redirect funds to another eligible project; or

(e) return excess funds to the program. To return the excess funds, a recipient must close out its award and state in the final performance report that the remaining funds are not necessary for the fulfillment of grant obligations. The recipient also must indicate that it understands that the funds will be unavailable for future expenses.

(6) The State Fire Marshal shall:

(a) develop a grant application package utilizing the established guidelines;

(b) establish and market a written and electronic version of the grant application package;

(c) provide an annual report of all grant awards and corresponding chartered fire department purchases to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor;

(d) provide all administrative support to the peer‑review panel;

(e) provide a grants web page for electronic applications; and

(f) determine the annual maximum amount of grant funding an eligible fire department may receive based on the total amount of grant funding received divided by the total number of eligible fire departments.

(G) Two percent of these funds may be awarded to the South Carolina State Firefighters’ Association annually for the express purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters. The association must apply for the grant to the peer‑review panel.

(H) Up to three percent of these funds must be retained by the State Fire Marshal for the express purpose of funding costs associated with the administration of the program.

(I) The State Fire Marshal has the authority to receive and distribute to eligible fire departments all grant funds according to this section.

(J) Grant funds that are not distributed may be carried forward to the next fiscal year to be used for the same purposes.”

**Time effective**

SECTION 14. This act takes effect upon approval by the Governor.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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