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AB-2380 Fire protection: privately contracted private fire prevention resources. (2017-2018)

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Assembly Bill No. 2380

CHAPTER 636

An act to add Part 4.5 (commencing with Section 14865) to Division 12 of the Health and Safety Code, relating to fire protection.

[Approved by Governor September 21, 2018. Filed with Secretary of State September 21, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, Aguiar-Curry. Fire protection: privately contracted private fire prevention resources.

Existing law provides that fire companies in unincorporated and incorporated towns may be organized, as provided, and be subject to specified provisions and requirements. Existing law provides that the city council of an incorporated city may, by ordinance, regulate the formation and continued existence of fire companies providing service within its city. Existing law establishes in state government, within the office of the Governor, the Office of Emergency Services. Existing law requires the office to be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. Existing law, the FIREScope Act of 1989, requires the office to establish and administer a program, known as the FIREScope Program, to maintain and enhance the efficiency and effectiveness of managing multiagency firefighting resources in responding to an incident.

This bill would require the office, in collaboration with the Department of Forestry and Fire Protection and the board of directors of the FIREScope Program, to develop standards and regulations for any privately contracted private fire prevention resources operating during an active fire incident in the state, as provided, and to develop regulations to govern the use of equipment used by privately contracted private fire prevention resources during an active fire incident, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 4.5 (commencing with Section 14865) is added to Division 12 of the Health and Safety Code, to read:

PART 4.5. Use of Privately Contracted Private Fire Prevention Resources

14865. It is the intent of the Legislature to provide for the highest level of safety for firefighters and the communities they protect by regulating the use of privately contracted private fire prevention resources. Nothing in this part shall be construed or otherwise interpreted to authorize public agencies to contract for firefighting services or other first response services. The Legislature finds and declares that firefighting and fire protection services are a municipal function and a public good to be provided by public agencies and their employees.

14866. For purposes of this part, the following terms have the following meanings:

(a) "Department" means the Department of Forestry and Fire Protection.

(b) "Office" means the Governor's Office of Emergency Services.

14867. (a) The office, in collaboration with the department and the board of directors of the FIREScope Program, established pursuant to Chapter 3 (commencing with Section 13070) of Part 1, shall develop standards and regulations for any privately contracted private fire prevention resources operating during an active fire incident in California.

(b) (1) In developing standards and regulations, the office shall consider private resource utilization guidelines developed by the FIREScope Program, pursuant to Chapter 3 (commencing with Section 13070) of Part 1.

(2) Regulations developed pursuant to subdivision (a) shall include, but not be limited to, the following requirements:

(A) A privately contracted private fire prevention resource shall heed all evacuation warnings and leave the evacuation area when prompted, until the area is reopened or until they have received incident command authorization to reenter or stay in the area.

(B) A privately contracted private fire prevention resource shall check in with incident command before entering an area.

(C) A privately contracted private fire prevention resource shall be equipped with a Global Positioning System (GPS) tracking device so its liaison at incident command, as described in subparagraph (D), and incident command, can locate the privately contracted private fire prevention resource in the event of an evacuation. The Global Positioning System used by the privately contracted private fire prevention resource shall be compatible with the state's incident management and situational awareness tracking system.

(D) A privately contracted private fire prevention resource shall have a liaison at incident command that is available to incident command at all times and can contact the privately contracted private fire prevention resource at any time.

(E) (i) A privately contracted private fire prevention resource shall monitor incident command radio frequencies assigned to a particular incident, as permitted under Part 90 of Title 47 of the Code of Federal Regulations.

(ii) The regulations shall include a prohibition on a privately contracted private fire prevention resource from communicating on incident command radio frequencies, without prior approval from incident command.

(F) A privately contracted private fire prevention resource shall, whenever possible, focus on prefire treatment activities and pretreatment of values-at-risk and other nonemergency activities outside of a restricted area to ensure safety, clear command and control, and minimize potential liability issues.

14868. (a) The office, in collaboration with the department and the board of directors of the FIREScope Program, shall develop regulations to govern the use of equipment used by privately contracted private fire prevention resources during an active fire incident. The regulations shall include, but not be limited to, the following:

(1) All equipment shall be clearly labeled nonemergency.

(2) Privately contracted private fire prevention resource vehicles shall not use emergency lights or sirens.

(3) Privately contracted private fire prevention resource vehicles shall not have any labeling that indicates emergency personnel or fire department.

(b) The office may consult with both private sector entities that provide privately contracted private fire prevention resources and public sector fire agencies before developing the regulations as required by this section.