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D. Miller, Widowfield, Hughes, Olman, Fessler, Hollister, Damschroder,
Salerno, Wolpert, Brown, Barrett, DeBose, Key, Willamowski**

A B I L L

To amend sections 9.60, 146.01, 146.12, 2743.02, 1
2909.01, 2921.22, 3737.01, 3737.03, 3737.16, 2
3737.21, 3737.22, 3737.26, 3737.27, 3737.28, 3
3737.42, 3737.43, 3737.45, 3737.81, and 4765.49 and 4
to enact sections 124.1310 and 3737.221 of the 5
Revised Code to revise the laws governing the 6
state's waiver of immunity, to provide certain 7
limited civil immunity for the State Fire Marshal's 8
Office and certain employees of the State Fire 9
Marshal, to provide that the State Fire Marshal's 10
Office is a fire department for purposes of 11
allowing it to assist with local fire suppression 12
and emergencies, to allow the State Fire Marshal's 13
Office, townships, and municipal corporations to 14
appeal a decision of the State Board of Building 15
Appeals to the court of common pleas, to otherwise 16
revise the laws governing the State Fire Marshal's 17
Office, to provide for paid leave for service as a 18

volunteer firefighter or emergency medical services 19
worker, to make changes to the law governing the 20
Volunteer Fire Fighters' Dependents Fund, and to 21
statutorily authorize the State Fire Commission's 22
maintenance of the Ohio Fire Services Hall of Fame. 23

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.60, 146.01, 146.12, 2743.02, 24
2909.01, 2921.22, 3737.01, 3737.03, 3737.16, 3737.21, 3737.22, 25
3737.26, 3737.27, 3737.28, 3737.42, 3737.43, 3737.45, 3737.81, and 26
4765.49 be amended and sections 124.1310 and 3737.221 of the 27
Revised Code be enacted to read as follows: 28

Sec. 9.60. (A) As used in this section: 29

(1) "Emergency medical service" and "emergency medical 30
service organization" have the same meanings as in section 4765.01 31
of the Revised Code. 32

(2) "Fire protection" means the use of firefighting equipment 33
by the fire department of a firefighting agency or a private fire 34
company, and includes the provision of ambulance, emergency 35
medical, and rescue services by those entities. 36

(3) "Firefighting agency" means a municipal corporation, 37
township, township fire district, joint ambulance district, joint 38
emergency medical services district, or joint fire district and 39
the office of the state fire marshal. 40

(4) "Motor vehicle" has the same meaning as in section 41
4511.01 of the Revised Code. 42

(5) "Private fire company" means a nonprofit group or 43
organization owning and operating firefighting equipment not 44
controlled by a firefighting agency. 45

(B) Any firefighting agency, private fire company, or ~~public~~
~~or private~~ emergency medical service organization may contract
with any governmental entity in this state or another jurisdiction
to provide fire protection or emergency medical services, as
appropriate, whether on a regular basis or only in times of
emergency, upon the approval of the governing boards or
administrative heads of the entities that are parties to the
contract.

(C) Any governmental entity in this state may contract with
any firefighting agency, private fire company, or ~~public or~~
~~private~~ emergency medical service organization of this state or
another jurisdiction to obtain fire protection or emergency
medical services, as appropriate, whether on a regular basis or
only in times of emergency, upon the approval of the governing
boards or administrative heads of the entities that are parties to
the contract.

(D)(1) Any firefighting agency other than the office of the
state fire marshal, private fire company, or ~~public or private~~
emergency medical service organization may provide fire protection
or emergency medical services, as appropriate, to any governmental
entity in this state or another jurisdiction, without a contract
to provide fire protection or emergency medical services, upon the
approval of the governing board of the agency, company, or
organization and upon authorization by an officer or employee of
the agency, company, or organization designated by that
individual's title, office, or position pursuant to the
authorization of the governing board of the agency, company, or
organization.

(2) The office of the state fire marshal may provide fire
protection or emergency medical services, as appropriate, to any
governmental entity, firefighting agency, private fire company, or
emergency medical service organization in this state or another

jurisdiction, without a contract to provide fire protection or
emergency medical services, upon the authorization of the state
fire marshal.

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(E) Chapter 2744. of the Revised Code, insofar as it is
applicable to the operation of fire departments or emergency
medical service organizations, applies to a political subdivision
that is operating a fire department or emergency medical service
organization, and to the members of the fire department or
emergency medical service organization, when the members are
rendering service pursuant to this section outside the boundaries
of the political subdivision.

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Members acting outside the boundaries of the political
subdivision that is operating the fire department or emergency
medical service organization may participate in any pension or
indemnity fund established by the political subdivision to the
same extent as while acting within the boundaries of the political
subdivision, and are entitled to all the rights and benefits of
Chapter 4123. of the Revised Code, to the same extent as while
performing service within the boundaries of the political
subdivision.

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(F) A private fire company or private, nonprofit emergency
medical service organization providing service pursuant to this
section to a governmental entity in this state or another
jurisdiction has the same immunities and defenses in a civil
action that a political subdivision has under section 2744.02 of
the Revised Code. The employees of such a fire company or
emergency medical service organization have the same immunities
and defenses in a civil action that employees of a political
subdivision have under section 2744.03 of the Revised Code.

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(G)(1) The office of the state fire marshal, when providing
services pursuant to this section, is liable for injury, death, or
loss to person or property caused by the negligent operation of

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any motor vehicle by its employees upon the public roads,
highways, or streets in the state when the employees are engaged
within the scope of their employment and authority, without regard
to the proximity of, that operation to the office of the state
fire marshal. Notwithstanding division (A)(1) of section 2743.02
of the Revised Code, the following are full defenses to that
liability:

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(a) An employee providing fire protection was operating a
motor vehicle while engaged in duty at a fire, proceeding toward a
place where a fire is in progress or is believed to be in
progress, or answering any other emergency and the operation of
the vehicle did not constitute willful or wanton misconduct.

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(b) An employee providing emergency medical services was
operating a motor vehicle while responding to or completing a call
for emergency medical care or treatment, the employee was holding
a valid driver's license issued under Chapter 4507. of the Revised
Code, the operation of the vehicle did not constitute willful or
wanton misconduct, and the operation complies with the precautions
described in section 4511.03 of the Revised Code.

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(2) An employee of the office of the state fire marshal, when
providing services pursuant to this section, is immune from
liability for injury, death, or loss to person or property caused
by the operation of any motor vehicle upon the public roads,
highways, or streets in the state, without regard to the proximity
of that operation to the office of the state fire marshal, unless
one of the following applies:

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(a) The operation of the vehicle was manifestly outside the
scope of the employee's employment or official responsibilities.

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(b) The operation of the vehicle constituted willful or
wanton misconduct.

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Sec. 124.1310. (A) As used in this section: 140

(1) "Emergency medical service," "EMT-basic," "EMT-I," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code. 141
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(2) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 144
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(B) A state employee who is an EMT-basic, EMT-I, first responder, paramedic, or volunteer firefighter shall receive forty hours of leave with pay each calendar year to use during those hours when the employee is absent from work in order to provide emergency medical service or fire-fighting service. An appointing authority shall compensate an employee who uses leave granted under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. 146
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Sec. 146.01. As used in sections 146.01 to 146.19 of the Revised Code: 154
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(A) "Fire department" means a volunteer fire department, a fire department of a political subdivision or fire district of this state, or a private volunteer company that has elected to participate in the volunteer fire fighters' dependents fund pursuant to section 146.02 of the Revised Code. 156
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(B)(1) "Volunteer firefighter" means both of the following, subject to division (B)(2) of this section: 161
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(a) A duly appointed member of a fire department on either a nonpay or part-pay basis who is ineligible to be a member of the Ohio police and fire pension fund, or whose employment as a firefighter does not in itself qualify any such person for membership in the public employees retirement system, or who has waived membership in the public employees retirement system; 163
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(b) Firefighters drafted, requisitioned, or appointed to 169

serve in an emergency. 170

(2)(a) A volunteer firefighter who is a member of the public 171
employees retirement system shall be considered a volunteer 172
firefighter for purposes of this chapter, and in particular, for 173
purposes of divisions (A) and (B) of section 146.12 of the Revised 174
Code until the firefighter has at least one and one-half years of 175
Ohio service credit for purposes of division (B) of section 145.45 176
of the Revised Code; 177

(b) A volunteer firefighter who is a member of the public 178
employees retirement system shall be considered a volunteer 179
firefighter for purposes of this chapter and, in particular, for 180
purposes of division (C) of section 146.12 of the Revised Code 181
until the firefighter has at least five years of total service 182
credit for purposes of sections 145.35 and 145.36 or section 183
145.361 of the Revised Code. 184

(C) "Private volunteer fire company" means a company of 185
trained volunteer firefighters having a contract to furnish fire 186
protection or emergency service or both to a political subdivision 187
or fire district of this state. 188

(D) "Member of the fund" includes a political subdivision or 189
fire district of this state that maintains in whole or in part a 190
volunteer fire department or employs volunteer firefighters, and a 191
private volunteer fire company that has elected to participate in 192
the volunteer fire fighters' dependents fund. 193

~~(E) "Dependent" means the surviving spouse or child under 194
eighteen years of age of a volunteer firefighter regardless of 195
financial status. 196~~

~~(F)~~ "Volunteer fire fighters' dependents fund" means the fund 197
established by section 146.07 of the Revised Code. 198

~~(G)~~(F) "Totally and permanently disabled" means that a 199
volunteer firefighter is unable to engage in any substantial 200

gainful employment for a period of not less than twelve months by 201
reason of a medically determinable physical impairment that is 202
permanent or presumed to be permanent. 203

Sec. 146.12. Benefits shall be paid from the volunteer fire 204
fighters' dependents fund to or on behalf of the following 205
persons: 206

(A) To the surviving spouse of a volunteer ~~fire fighter~~ 207
firefighter killed while discharging the duties of a volunteer 208
~~fire fighter~~ firefighter or who dies from exposure or injury 209
received while in the discharge of ~~such~~ those duties, a lump sum 210
award of one thousand dollars, and, in addition, the sum of ~~two~~ 211
three hundred dollars per month ~~so long as the surviving spouse~~ 212
~~does not remarry;~~ 213

(B) To the parent, guardian, or other persons upon whom a 214
child of a volunteer ~~fire fighter~~ firefighter is dependent for 215
chief support, the sum of ~~sixty-five~~ one hundred twenty-five 216
dollars per month for each dependent child ~~of such volunteer fire~~ 217
~~fighter. Such payments shall continue until the dependent child is~~ 218
~~eighteen years old~~ under eighteen years of age, or under 219
twenty-three years of age if the child is attending a 220
post-secondary educational institution and is completing a program 221
of instruction each school year that satisfies the equivalent of 222
at least two-thirds of the full-time curriculum requirements of 223
the institution. 224

(C) To a volunteer ~~fire fighter~~ firefighter, totally and 225
permanently disabled while discharging the duties of a volunteer 226
~~fire fighter~~ firefighter, the sum of ~~two~~ three hundred dollars per 227
month. No payment shall be made to a volunteer ~~fire fighter~~ 228
firefighter under full salary during the time of ~~his~~ the volunteer 229
firefighter's disability. 230

Sec. 2743.02. (A)(1) The state hereby waives its immunity 231
from liability, except as provided for the office of the state 232
fire marshal in division (G)(1) of section 9.60 and division (B) 233
of section 3737.221 of the Revised Code, and consents to be sued, 234
and have its liability determined, in the court of claims created 235
in this chapter in accordance with the same rules of law 236
applicable to suits between private parties, except that the 237
determination of liability is subject to the limitations set forth 238
in this chapter and, in the case of state universities or 239
colleges, in section 3345.40 of the Revised Code, and except as 240
provided in division (A)(2) of this section. To the extent that 241
the state has previously consented to be sued, this chapter has no 242
applicability. 243

Except in the case of a civil action filed by the state, 244
filing a civil action in the court of claims results in a complete 245
waiver of any cause of action, based on the same act or omission, 246
which the filing party has against any officer or employee, as 247
defined in section 109.36 of the Revised Code. The waiver shall be 248
void if the court determines that the act or omission was 249
manifestly outside the scope of the officer's or employee's office 250
or employment or that the officer or employee acted with malicious 251
purpose, in bad faith, or in a wanton or reckless manner. 252

(2) If a claimant proves in the court of claims that an 253
officer or employee, as defined in section 109.36 of the Revised 254
Code, would have personal liability for ~~his~~ the officer's or 255
employee's acts or omissions but for the fact that the officer or 256
employee has personal immunity under section 9.86 of the Revised 257
Code, the state shall be held liable in the court of claims in any 258
action that is timely filed pursuant to section 2743.16 of the 259
Revised Code and that is based upon the acts or omissions. 260

(B) The state hereby waives the immunity from liability of 261
all hospitals owned or operated by one or more political 262

subdivisions and consents for them to be sued, and to have their
liability determined, in the court of common pleas, in accordance
with the same rules of law applicable to suits between private
parties, subject to the limitations set forth in this chapter.
This division is also applicable to hospitals owned or operated by
political subdivisions which have been determined by the supreme
court to be subject to suit prior to July 28, 1975.

(C) Any hospital, as defined under section 2305.11 of the
Revised Code, may purchase liability insurance covering its
operations and activities and its agents, employees, nurses,
interns, residents, staff, and members of the governing board and
committees, and, whether or not such insurance is purchased, may,
to such extent as its governing board considers appropriate,
indemnify or agree to indemnify and hold harmless any such person
against expense, including attorney's fees, damage, loss, or other
liability arising out of, or claimed to have arisen out of, the
death, disease, or injury of any person as a result of the
negligence, malpractice, or other action or inaction of the
indemnified person while acting within the scope of ~~his~~ the
indemnified person's duties or engaged in activities at the
request or direction, or for the benefit, of the hospital. Any
hospital electing to indemnify such persons, or to agree to so
indemnify, shall reserve such funds as are necessary, in the
exercise of sound and prudent actuarial judgment, to cover the
potential expense, fees, damage, loss, or other liability. The
superintendent of insurance may recommend, or, if such hospital
requests ~~him~~ the superintendent to do so, the superintendent shall
recommend, a specific amount for any period that, in ~~his~~ the
superintendent's opinion, represents such a judgment. This
authority is in addition to any authorization otherwise provided
or permitted by law.

(D) Recoveries against the state shall be reduced by the

aggregate of insurance proceeds, disability award, or other
collateral recovery received by the claimant. This division does
not apply to civil actions in the court of claims against a state
university or college under the circumstances described in section
3345.40 of the Revised Code. The collateral benefits provisions of
division (B)(2) of that section apply under those circumstances.

(E) The only defendant in original actions in the court of
claims is the state. The state may file a third-party complaint or
counterclaim in any civil action, except a civil action for two
thousand five hundred dollars or less, that is filed in the court
of claims.

(F) A civil action against an officer or employee, as defined
in section 109.36 of the Revised Code, that alleges that the
officer's or employee's conduct was manifestly outside the scope
of ~~his~~ the officer's or employee's employment or official
responsibilities, or that the officer or employee acted with
malicious purpose, in bad faith, or in a wanton or reckless manner
shall first be filed against the state in the court of claims,
which has exclusive, original jurisdiction to determine,
initially, whether the officer or employee is entitled to personal
immunity under section 9.86 of the Revised Code and whether the
courts of common pleas have jurisdiction over the civil action.

The filing of a claim against an officer or employee under
this division tolls the running of the applicable statute of
limitations until the court of claims determines whether the
officer or employee is entitled to personal immunity under section
9.86 of the Revised Code.

(G) Whenever a claim lies against an officer or employee who
is a member of the Ohio national guard, and the officer or
employee was, at the time of the act or omission complained of,
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28

U.S.C. 2671, et seq., then the Federal Tort Claims Act is the
exclusive remedy of the claimant and the state has no liability
under this section.

Sec. 2909.01. As used in sections 2909.01 to 2909.07 of the
Revised Code:

(A) To "create a substantial risk of serious physical harm to
any person" includes the creation of a substantial risk of serious
physical harm to any emergency personnel.

(B) "Emergency personnel" means any of the following persons:

(1) A peace officer, as defined in section 2935.01 of the
Revised Code;

(2) A member of a fire department or other firefighting
agency of a municipal corporation, township, township fire
district, joint fire district, other political subdivision, or
combination of political subdivisions;

(3) A member of a private fire company, as defined in section
9.60 of the Revised Code, or a volunteer firefighter;

(4) A member of a joint ambulance district or joint emergency
medical services district;

(5) An emergency medical technician-basic, emergency medical
technician-intermediate, emergency medical technician-paramedic,
ambulance operator, or other member of an emergency medical
service that is owned or operated by a political subdivision or a
private entity;

(6) The state fire marshal, the chief deputy state fire
marshal, or an assistant state fire marshal, ~~or an arson
investigator of the office of the state fire marshal;~~

(7) A fire prevention officer of a political subdivision or
an arson ~~investigator~~, fire, or similar ~~inspector~~ investigator of

a political subdivision. 356

(C) "Occupied structure" means any house, building, 357
outbuilding, watercraft, aircraft, railroad car, truck, trailer, 358
tent, or other structure, vehicle, or shelter, or any portion 359
thereof, to which any of the following applies: 360

(1) It is maintained as a permanent or temporary dwelling, 361
even though it is temporarily unoccupied and whether or not any 362
person is actually present. 363

(2) At the time, it is occupied as the permanent or temporary 364
habitation of any person, whether or not any person is actually 365
present. 366

(3) At the time, it is specially adapted for the overnight 367
accommodation of any person, whether or not any person is actually 368
present. 369

(4) At the time, any person is present or likely to be 370
present in it. 371

(D) "Political subdivision" and "state" have the same 372
meanings as in section 2744.01 of the Revised Code. 373

Sec. 2921.22. (A) No person, knowing that a felony has been 374
or is being committed, shall knowingly fail to report such 375
information to law enforcement authorities. 376

(B) Except for conditions that are within the scope of 377
division (E) of this section, no ~~person who is a~~ physician, 378
limited practitioner, nurse, or other person giving aid to a sick 379
or injured person shall negligently fail to report to law 380
enforcement authorities any gunshot or stab wound ~~that the person~~ 381
treated or observed by the physician, limited practitioner, nurse, 382
or person, or any serious physical harm to persons that the 383
physician, limited practitioner, nurse, or person knows or has 384
reasonable cause to believe resulted from an offense of violence. 385

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained.

(D) No person shall fail to provide upon request of the person to whom ~~the person~~ a report required by division (C) of this section was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(E)(1) As used in this division, "burn injury" means any of the following:

(a) Second or third degree burns;

(b) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(c) Any burn injury or wound that may result in death;

(d) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by section 3743.01 of the Revised Code.

(2) No physician, nurse, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the

local arson, or fire and explosion investigation, bureau, if there 417
is ~~such~~ a bureau of this type in the jurisdiction in which the 418
person is attended or treated, or otherwise to local law 419
enforcement authorities. 420

(3) No manager, superintendent, or other person in charge of 421
a hospital, sanitarium, or other medical facility in which a 422
person is attended or treated for any burn injury that is 423
inflicted by an explosion or other incendiary device, or that 424
shows evidence of having been inflicted in a violent, malicious, 425
or criminal manner, shall fail to report the burn injury 426
immediately to the local arson, or fire and explosion 427
investigation, bureau, if there is ~~such~~ a bureau of this type in 428
the jurisdiction in which the person is attended or treated, or 429
otherwise to local law enforcement authorities. 430

(4) No person who is required to report any burn injury under 431
division (E)(2) or (3) of this section shall fail to file, within 432
three working days after attending or treating the victim, a 433
written report of the burn injury with the office of the state 434
fire marshal. The report shall ~~be made on a form provided~~ comply 435
with the uniform standard developed by the state fire marshal 436
pursuant to division (A)(15) of section 3737.22 of the Revised 437
Code. 438

(5) Anyone participating in the making of reports under 439
division (E) of this section or anyone participating in a judicial 440
proceeding resulting from the reports is immune from any civil or 441
criminal liability that otherwise might be incurred or imposed as 442
a result of such actions. Notwithstanding section 4731.22 of the 443
Revised Code, the physician-patient relationship is not a ground 444
for excluding evidence regarding a person's burn injury or the 445
cause of the burn injury in any judicial proceeding resulting from 446
a report submitted ~~pursuant to~~ under division (E) of this section. 447

(F)(1) Any doctor of medicine or osteopathic medicine, 448

hospital intern or resident, registered or licensed practical 449
nurse, psychologist, social worker, independent social worker, 450
social work assistant, professional clinical counselor, or 451
professional counselor who knows or has reasonable cause to 452
believe that a patient or client has been the victim of domestic 453
violence, as defined in section 3113.31 of the Revised Code, shall 454
note that knowledge or belief and the basis for it in the 455
patient's or client's records. 456

(2) Notwithstanding section 4731.22 of the Revised Code, the 457
doctor-patient privilege shall not be a ground for excluding any 458
information regarding the report containing the knowledge or 459
belief noted ~~pursuant to~~ under division (F)(1) of this section, 460
and the information may be admitted as evidence in accordance with 461
the Rules of Evidence. 462

(G) ~~Division~~ Divisions (A) ~~or and~~ (D) of this section ~~does do~~ 463
not require disclosure of information, when any of the following 464
applies: 465

(1) The information is privileged by reason of the 466
relationship between attorney and client; doctor and patient; 467
licensed psychologist or licensed school psychologist and client; 468
member of the clergy, rabbi, minister, or priest and any person 469
communicating information confidentially to the member of the 470
clergy ~~clergyman~~, rabbi, minister, or priest for a religious 471
counseling purpose ~~the~~ of a professional character ~~of the member~~ 472
~~of the clergy, rabbi, minister, or priest~~; husband and wife; or a 473
communications assistant and those who are a party to a 474
telecommunications relay service call. 475

(2) The information would tend to incriminate a member of the 476
actor's immediate family. 477

(3) Disclosure of the information would amount to revealing a 478
news source, privileged under section 2739.04 or 2739.12 of the 479

Revised Code.

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(4) Disclosure of the information would amount to disclosure
by a member of the ordained clergy of an organized religious body
of a confidential communication made to that member of the clergy
~~the clergyman~~ in that member's a capacity as a ~~clergyman~~ member of
the clergy by a person seeking the aid or counsel of that member
of the clergy.

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(5) Disclosure would amount to revealing information acquired
by the actor in the course of the actor's duties in connection
with a bona fide program of treatment or services for drug
dependent persons or persons in danger of drug dependence, which
program is maintained or conducted by a hospital, clinic, person,
agency, or organization certified pursuant to section 3793.06 of
the Revised Code.

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(6) Disclosure would amount to revealing information acquired
by the actor in the course of the actor's duties in connection
with a bona fide program for providing counseling services to
victims of crimes that are violations of section 2907.02 or
2907.05 of the Revised Code or to victims of felonious sexual
penetration in violation of former section 2907.12 of the Revised
Code. As used in this division, "counseling services" include
services provided in an informal setting by a person who, by
education or experience, is competent to provide ~~such~~ those
services.

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(H) No disclosure of information pursuant to this section
gives rise to any liability or recrimination for a breach of
privilege or confidence.

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(I) Whoever violates division (A) or (B) of this section is
guilty of failure to report a crime. Violation of division (A) of
this section is a misdemeanor of the fourth degree. Violation of
division (B) of this section is a misdemeanor of the second

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degree. 511

(J) Whoever violates division (C) or (D) of this section is 512
guilty of failure to report knowledge of a death, a misdemeanor of 513
the fourth degree. 514

(K)(1) Whoever negligently violates division (E) of this 515
section is guilty of a minor misdemeanor. 516

(2) Whoever knowingly violates division (E) of this section 517
is guilty of a misdemeanor of the second degree. 518

Sec. 3737.01. As used in this chapter: 519

(A) "Assistant fire marshal" means any person ~~directly who is~~ 520
employed by the fire marshal and who is involved in carries out 521
specific duties assigned by the fire marshal, including, but not 522
limited to, enforcement of Chapters 3731., 3737., and 3743. of the 523
Revised Code, fire inspection, fire code enforcement, fire 524
investigation, fire prevention, ~~hazardous materials incidents,~~ 525
the regulation of underground storage tank systems as ~~that term is~~ 526
defined in section 3737.87 of the Revised Code. 527

(B) "Consumer goods" means any item sold, leased, or rented 528
primarily for personal or household use. 529

(C) "Fire agency" means any state or local fire service or 530
agency whose function is to examine the property of another person 531
for the purpose of identifying fire safety hazards. 532

(D) "Fire safety inspector" means any person who is a member 533
of the civil service, as defined in section 124.01 of the Revised 534
Code, or who is employed by or voluntarily serves a village or 535
township, and who examines the property of another person for the 536
purpose of identifying fire safety hazards. 537

(E) "Person," in addition to the meaning in section 1.59 of 538
the Revised Code, means the state and any political subdivision of 539

the state, and any other entity, public or private.

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(F) "Responsible person" means the person responsible for compliance with the state fire code, including, but not limited to, the owner, lessee, agent, operator, or occupant of a building, premises, or vehicle.

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Sec. 3737.03. The state fire commission may do all of the following:

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(A) Conduct research, make and publish reports on fire safety, and recommend to the governor, the general assembly, the board of building standards, and other state agencies, any needed changes in the laws, rules, or administrative policies relating to fire safety;

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(B) Recommend revisions in the rules included in the state fire code adopted by the fire marshal. The recommendations may propose the adoption of new rules or the amendment or repeal of existing rules. The commission shall file its recommendations in the office of the fire marshal, and, within sixty days after the recommendations are filed, the fire marshal shall file with the ~~chairman~~ chairperson of the commission ~~his~~ the fire marshal's comments on, and proposed action in response to, the recommendations.

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(C) Maintain the Ohio fire service hall of fame. In maintaining the hall of fame, the commission shall keep official commendations that recognize and commemorate exemplary accomplishments and acts of heroism by firefighters and other persons at fire-related incidents or similar events occurring in the state. The commission may adopt criteria and guidelines for selecting individuals for that recognition and commemoration. The recognition and commemoration of individuals may occur annually and include an annual awards ceremony. The expenses associated with the recognition and commemoration of individuals shall be

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paid in accordance with division (F) of section 3737.81 of the 571
Revised Code. 572

Sec. 3737.16. (A) The fire marshal, any assistant fire 573
marshal, the chief ~~or any deputy~~ of the arson fire and explosion 574
investigation bureau established pursuant to section 3737.22 of 575
the Revised Code, the chief of a fire department of any municipal 576
corporation or township where a fire department is established, 577
the fire prevention officer of any municipal corporation or 578
township where no fire department exists, any federal, state, or 579
local law enforcement agency, or the prosecuting attorney of any 580
county may request any insurance company that has investigated or 581
is investigating a fire loss or potential fire loss of real or 582
personal property to release any information in its possession 583
relative to that loss or potential loss. The company shall release 584
the information and cooperate with any official authorized to 585
request ~~such the~~ information ~~pursuant to~~ under this section. The 586
information shall include, but is not limited to, the following: 587

(1) Any insurance policy relevant to a fire loss under 589
investigation and any application for such a policy; 590

(2) Policy premium payment records; 591

(3) History of previous claims made by the insured or 592
previous insureds for fire loss; 593

(4) Material relating to the investigation of the loss or 594
potential loss, including statements of any person, proof of loss, 595
and any other relevant evidence. 596

(B) If an insurance company has reason to suspect that a fire 597
loss to its insured's real or personal property was caused by 598
incendiary means, the company shall notify the fire marshal and 599
the prosecuting attorney of the county in which the loss occurred, 600

and furnish them with all relevant material acquired during its
investigation of the fire loss, cooperate with and take such
action as may be requested of it by any federal, state, or local
law enforcement agency, and permit any other person ordered by a
court to inspect any of its records pertaining to the policy and
the loss.

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(C) If an agency, official, or officer mentioned in division
(A) or (B) of this section has received information ~~pursuant to~~
under those divisions from an insurance company that has
investigated or is investigating a fire loss of real or personal
property, the agency, official, or officer may release to, and
share with, the insurance company any information in ~~his~~ the
agency's, official's, or officer's possession relative to ~~such~~ the
loss, upon the request of the insurance company.

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(D) In the absence of fraud or malice, no insurance company,
or person who furnishes information on its behalf, is liable ~~for~~
in damages in any civil action, including any action brought
pursuant to section 1347.10 of the Revised Code, or subject to
criminal prosecution for any oral or written statement made or any
other action taken that is necessary to supply information
required ~~pursuant to~~ under this section.

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(E) Except as otherwise provided in division (C) of this
section, the officials and departmental and agency personnel
receiving any information furnished ~~pursuant to~~ under this section
shall hold the information in confidence until such time as its
release is required pursuant to a criminal or civil proceeding.

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(F) Any official referred to in division (A) of this section
may testify as to any information in ~~his~~ the official's possession
regarding the fire loss of real or personal property in any civil
action in which any person seeks recovery under a policy against
an insurance company for the fire loss.

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(G) As used in this section, "insurance company" includes the Ohio fair plan underwriting association as established in section 3929.43 of the Revised Code.

(H)(1) No person shall purposely refuse to release any information requested, pursuant to division (A) of this section, by an agency, official, or officer authorized to request ~~such~~ the information by that division.

(2) No person shall purposely refuse to notify the fire marshal and prosecuting attorney of a fire loss required to be reported ~~pursuant to~~ under division (B) of this section.

(3) No person shall purposely refuse to supply the fire marshal and prosecuting attorney with pertinent information required to be furnished ~~pursuant to~~ under division (B) of this section.

(4) No person shall purposely fail to hold in confidence information required to be held in confidence by division (E) of this section.

Sec. 3737.21. (A) The director of the department of commerce shall appoint, from names submitted to ~~him~~ the director by the state fire commission, a fire marshal, who shall serve at the pleasure of the director and shall possess the following qualifications:

(1) A degree from an accredited college or university with specialized study in either the field of fire protection or fire protection engineering, or the equivalent qualifications determined from ~~his~~ training, experience, and duties in a fire service;

(2) Five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, fire investigation, fire protection engineering, teaching of fire

safety engineering, or fire fighting. 662

(B) When a vacancy occurs in the position of fire marshal, 663
the director shall notify the state fire commission. The 664
commission shall communicate the fact of the vacancy by regular 665
mail to all fire chiefs and fire protection engineers known to the 666
commission, or whose identity may be ascertained by the commission 667
by the exercise of due diligence. The commission ~~shall~~, no earlier 668
than thirty days after mailing the notification, shall compile a 669
list of all applicants for the position of fire marshal who are 670
qualified under this section. The commission shall submit the 671
names of at least three persons on the list to the director. The 672
director shall appoint the fire marshal from the list of at least 673
three names or may request the commission to submit additional 674
names. 675

Sec. 3737.22. (A) The fire marshal shall do all of the 676
following: 677

(1) Adopt the state fire code under sections 3737.82 to 678
3737.86 of the Revised Code; 679

(2) Enforce the state fire code; 680

(3) Appoint assistant fire marshals who are authorized to 681
enforce the state fire code; 682

(4) Conduct investigations into the cause, origin, and 683
circumstances of fires and explosions, and ~~prosecute~~ assist in the 684
prosecution of persons believed to be guilty of arson or a similar 685
crime; 686

(5) Compile statistics concerning loss due to fire and 687
explosion as the fire marshal considers necessary, and consider 688
the compatibility of the fire marshal's system of compilation with 689
the systems of other state and federal agencies and fire marshals 690
of other states; 691

- (6) Engage in research on the cause and prevention of losses due to fire and explosion; 692
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- (7) Engage in public education and informational activities which will inform the public of fire safety information; 694
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- (8) Operate a fire training academy and ~~arson-crime forensic~~ forensic laboratory; 696
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- (9) Conduct ~~such~~ other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety; 698
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- (10) ~~Issue~~ Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code; 701
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- (11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building; 703
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- (12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates; 708
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- (13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases; 710
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- (14) Administer and enforce Chapter 3743. of the Revised Code; 716
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- (15) Develop a ~~form~~ uniform standard for the ~~written report~~ reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept ~~such~~ the reports of the information when they are filed. 718
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(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistance assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. ~~All~~ The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.

All employees, other than the fire marshal; the chief deputy; fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary to the state fire marshal; legal counsel; the pyrotechnics administrator, the chief of the forensic laboratory; the person appointed by the fire marshal to serve as administrator over functions concerning testing, license examinations, and the issuance of permits and certificates; and the chiefs of the bureau bureaus of fire prevention, the arson bureau, the arson crime laboratory of fire and explosion investigation, of code enforcement, and the bureau of underground storage tanks, shall be in the classified civil service. The fire marshal shall authorize the chief deputy and other employees under the fire marshal's supervision to exercise powers granted to the fire marshal by law as may be necessary to carry out the duties of the fire marshal's office.

(C) The fire marshal shall create, in and as a part of the office of fire marshal, ~~an arson~~ a fire and explosion

investigation bureau consisting of a chief of the bureau, and ~~such~~ 754
additional assistant fire marshals as the fire marshal determines 755
necessary for the efficient administration of the bureau. The 756
chief shall be experienced in the investigation of the cause, 757
origin, and circumstances of fires, and in administration, 758
including the supervision of subordinates. The chief, among other 759
duties delegated to the chief by the fire marshal, shall be 760
responsible, under the direction of the fire marshal, for the 761
investigation of the cause, origin, and circumstances of ~~each fire~~ 762
fires and explosions in the state, and for assistance in the 763
prosecution of persons believed to be guilty of arson or a similar 764
crime. 765

(D) ~~At the fire marshal's discretion, the~~ (1) The fire 766
marshal shall create, as part of the office of fire marshal, a 767
bureau of code enforcement consisting of a chief of the bureau and 768
additional assistant fire marshals as the fire marshal determines 769
necessary for the efficient administration of the bureau. The 770
chief shall be qualified, by education or experience, in fire 771
inspection, fire code development, fire code enforcement, or any 772
other similar field determined by the fire marshal, and in 773
administration, including the supervision of subordinates. The 774
chief is responsible, under the direction of the fire marshal, for 775
fire inspection, fire code development, fire code enforcement, and 776
any other duties delegated to the chief by the fire marshal. 777

(2) The fire marshal, or the chief deputy under the direction 778
of the fire marshal, the chief of the bureau of code enforcement, 779
or any assistant fire marshal under the direction of the fire 780
marshal, the chief deputy fire marshal, or the chief of the bureau 781
of code enforcement may cause the inspection to be conducted the 782
inspection of all buildings, structures, and other places, the 783
condition of which may be dangerous from a fire safety standpoint 784
to life or property, or to property adjacent ~~thereto~~ to the 785

buildings, structures, or other places. 786

(E) The fire marshal shall create, as a part of the office of 787
fire marshal, a bureau of fire prevention consisting of a chief of 788
the bureau, and ~~such~~ additional assistant fire marshals as the 789
fire marshal determines necessary for the efficient administration 790
of the bureau. The chief shall be qualified, by education or 791
experience, to promote programs for rural and urban fire 792
prevention and protection. The chief, among other duties delegated 793
to the chief by the fire marshal, is responsible, under the 794
direction of the fire marshal, for the promotion of rural and 795
urban fire prevention and protection through public information 796
and education programs. 797

(F) The fire marshal shall cooperate with the director of job 798
and family services when the director ~~promulgates~~ adopts rules 799
~~pursuant to~~ under section 5104.052 of the Revised Code regarding 800
fire prevention and fire safety in certified type B family 801
day-care homes, as defined in section 5104.01 of the Revised Code, 802
recommend procedures for inspecting type B homes to determine 803
whether they are in compliance with those rules, and provide 804
training and technical assistance to the director and county 805
directors of job and family services on the procedures for 806
determining compliance with those rules. 807

(G) The fire marshal, upon request of a provider of child 808
day-care in a type B home that is not certified by the county 809
director of job and family services, as a precondition of approval 810
by the state board of education ~~pursuant to~~ under section 3313.813 811
of the Revised Code for receipt of United States department of 812
agriculture child and adult care food program funds established 813
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 814
U.S.C. 1751, as amended, shall inspect the type B home to 815
determine compliance with rules ~~promulgated pursuant to~~ adopted 816
under section 5104.052 of the Revised Code regarding fire 817

prevention and fire safety in certified type B homes. In municipal 818
corporations and in townships where there is a certified fire 819
safety inspector, the inspections shall be made by that inspector 820
under the supervision of the fire marshal, according to rules 821
~~promulgated pursuant to~~ adopted under section 5104.052 of the 822
Revised Code. In townships outside municipal corporations where 823
there is no certified fire safety inspector, inspections shall be 824
made by the fire marshal. 825

Sec. 3737.221. (A) As used in this section, "motor vehicle" 826
has the same meaning as in section 4511.01 of the Revised Code. 827

(B) The office of the fire marshal is liable for injury, 828
death, or loss to person or property caused by the negligent 829
operation of any motor vehicle by its employees upon the public 830
roads, highways, or streets in the state when the employees are 831
engaged within the scope of their employment and authority, 832
without regard to the proximity of that operation to the office of 833
the fire marshal. Notwithstanding division (A)(1) of section 834
2743.02 of the Revised Code, a full defense to that liability is 835
that if the fire marshal, the chief deputy fire marshal, or an 836
assistant fire marshal was operating the motor vehicle, the fire 837
marshal, chief deputy fire marshal, or assistant fire marshal was 838
acting within the scope of division (A)(2), (4), or (14) of 839
section 3737.22, or section 3737.24 or 3737.26, of the Revised 840
Code and the operation of the vehicle did not constitute willful 841
or wanton misconduct. 842

(C) The fire marshal, the chief deputy fire marshal, and any 843
assistant fire marshal is immune from liability for injury, death, 844
or loss to person or property caused by the operation of any motor 845
vehicle upon the public roads, highways, or streets in the state 846
when acting within the scope of division (A)(2), (4), or (14) of 847
section 3737.22, or section 3737.24 or 3737.26, of the Revised 848
Code, without regard to the proximity of that operation to the 849

office of the fire marshal, unless one of the following applies: 850

(1) The operation of the vehicle was manifestly outside the 851
scope of the employee's employment or official responsibilities. 852

(2) The operation of the vehicle constituted willful or 853
wanton misconduct. 854

Sec. 3737.26. If the fire marshal or an assistant fire 855
marshal, ~~is of the opinion~~ determines that there is evidence 856
sufficient to charge a person with arson or a similar crime, or 857
with a violation of section 3737.62 of the Revised Code, ~~he shall~~ 858
the marshal or assistant marshal may arrest ~~such the~~ person or 859
cause ~~him~~ the person to be arrested and charged with ~~such the~~ 860
offense. ~~Such~~ The fire marshal or assistant ~~marshall~~ fire marshal 861
shall ~~furnish~~ provide the prosecuting attorney ~~such the~~ evidence, 862
~~with~~ the names of witnesses, and a copy of material testimony 863
taken in the case. 864

Sec. 3737.27. The fire marshal or an assistant fire marshal 865
may summon and compel the attendance of witnesses to testify in 866
relation to any matter ~~which~~ that is a proper subject of inquiry 867
~~and or~~ investigation, and may require the production of any book, 868
paper, ~~or~~ document, or record, regardless of physical form or 869
characteristic. 870

Sec. 3737.28. The fire marshal or an assistant fire marshal 871
may administer an oath to any person appearing as a witness before 872
~~him~~ the fire marshal or assistant fire marshal. No witness shall 873
refuse to be sworn ~~or,~~ refuse to testify, ~~or~~ disobey an order of 874
the fire marshal, ~~or of~~ an assistant fire marshal, or fail or 875
refuse to produce a book, paper, ~~or~~ document, or record, 876
regardless of physical form or characteristic, concerning a matter 877
under examination, or be guilty of contemptuous conduct after 878

being summoned by ~~such officer~~ the fire marshal or an assistant 879
fire marshal to appear before ~~him~~ the fire marshal or assistant 880
fire marshal to give testimony in relation to a matter or subject 881
under investigation. 882

Sec. 3737.42. (A) If, upon inspection or investigation, the 883
fire marshal, an assistant fire marshal, or a certified fire 884
safety inspector believes that the state fire code or an 885
associated order has been violated, ~~he~~ the fire marshal, assistant 886
fire marshal, or certified fire safety inspector shall, with 887
reasonable promptness, issue a citation to the responsible person. 888
Each citation shall be in writing and shall describe with 889
particularity the nature of the violation, including a reference 890
to the provision of the state fire code or associated order 891
alleged to have been violated. In addition, the citation shall fix 892
a reasonable time for the abatement of the violation. When the 893
citation is issued by ~~an officer other than the fire marshal~~ a 894
certified fire safety inspector or an assistant fire marshal, a 895
copy of the citation shall be furnished to the fire marshal. 896

(B) The fire marshal may prescribe procedures for the 897
issuance of a notice in lieu of a citation with respect to de 898
minimis violations ~~which~~ that have no direct or immediate 899
relationship to safety or health. 900

(C) Each citation issued under this section, or a copy or 901
copies ~~thereof~~ of the citation, shall be prominently posted by the 902
responsible person, as prescribed in the state fire code, at or 903
near each place a violation referred to in the citation occurs. 904

Sec. 3737.43. (A) If, after an inspection or investigation, 905
~~an officer~~ the fire marshal, an assistant fire marshal, or a 906
certified fire safety inspector issues a citation under section 907
3737.41 or 3737.42 of the Revised Code, ~~he~~ the issuing authority 908
shall, within a reasonable time after such inspection or 909

investigation and in accordance with Chapter 119. of the Revised 910
Code, notify the responsible person ~~by certified mail~~ of the 911
citation and penalty, if any, proposed to be assessed under 912
section 3737.51 of the Revised Code, and of the responsible 913
person's right to appeal the citation and penalty, under Chapter 914
119. of the Revised Code, to the state board of building appeals 915
established under section 3781.19 of the Revised Code within 916
thirty days after receipt of the notice. 917

(B) If the responsible person is aggrieved by an order of the 918
board, the person may appeal to the court of common pleas where 919
the property that is the subject of the citation is located, 920
within thirty days after the board renders its decision. 921

(C) As used in this section, "issuing authority" means the 922
office of the fire marshal, in the case of a citation issued by 923
the fire marshal or an assistant fire marshal, or the applicable 924
township or municipal corporation, in the case of a citation 925
issued by a certified fire safety inspector. 926

Sec. 3737.45. If any responsible person fails to comply with 927
an order of the fire marshal, an assistant fire marshal, or a 928
certified fire safety inspector as finally affirmed or modified by 929
the ~~hearing officer pursuant to~~ state board of building appeals 930
under section 3737.43 of the Revised Code, within the time fixed 931
in ~~such the~~ order, then ~~such officer~~ the fire marshal, assistant 932
fire marshal, or certified fire safety inspector may file a 933
complaint in the court of common pleas of the county where the 934
property is located for a court order authorizing ~~him~~ the fire 935
marshal, assistant fire marshal, or certified fire safety 936
inspector to cause the building, structure, or premises to be 937
repaired, ~~or~~ demolished, materials to be removed, and all 938
dangerous conditions to be remedied, if such was the mandate of 939
the order as affirmed or modified by the ~~hearing officer~~ state 940
board of building appeals, at the expense of the responsible 941

person. If the responsible person, within thirty days thereafter, 942
fails, neglects, or refuses to pay the expense that would be 943
incurred in enforcing the ~~court~~ order of the court of common pleas 944
~~court~~ under this section, the court shall order that the real 945
estate upon which the building, structure, or premises is or was 946
situated be sold pursuant to Chapter 2329. of the Revised Code, 947
except as otherwise provided in this section. The proceeds of the 948
sale shall be credited to the fire marshal's fund. The fire 949
marshal shall use the proceeds of the sale to cause the repair or 950
demolition of any building, structure, or premises, the removal of 951
materials, or the remedy of all dangerous conditions unless the 952
purchaser of the real estate enters into an agreement with the 953
court to perform the repair, demolition, removal, or remedy within 954
a time period acceptable to the court. No bid of a prospective 955
purchaser shall be acceptable which is insufficient to pay the 956
expense ~~which~~ that the fire marshal would incur. If the amount 957
received from the sale exceeds the expense ~~which~~ that the fire 958
marshal would incur, the court shall direct the payment of the 959
surplus first to those parties with encumbrances, mortgages, or 960
liens on the real estate in order of their priority, and then to 961
the responsible person or into the court for its use and benefit. 962

Sec. 3737.81. (A) There is hereby created the state fire 963
commission consisting of ten members to be appointed by the 964
governor with the advice and consent of the senate. The fire 965
marshal or ~~his~~ chief deputy fire marshal, a representative 966
designated by the department of public safety who has tenure in 967
fire suppression, and a representative designated by the board of 968
building standards shall be ex officio members. Of the initial 969
appointments made to the commission, two shall be for a term 970
ending one year after ~~the effective date of this section~~ November 971
1, 1978, two shall be for a term ending two years after that date, 972
two shall be for a term ending three years after that date, two 973

shall be for a term ending four years after that date, and two 974
shall be for a term ending five years after that date. Thereafter, 975
terms of office shall be for five years, each term ending on the 976
same day of the same month of the year as did the term which it 977
succeeds. Each member shall hold office from the date of ~~his~~ 978
appointment until the end of the term for which ~~he~~ the member was 979
appointed. Any member appointed to fill a vacancy occurring prior 980
to the expiration of the term for which ~~his~~ the member's 981
predecessor was appointed shall hold office for the remainder of 982
~~such~~ that term. Any member shall continue in office subsequent to 983
the expiration date of ~~his~~ the member's term until ~~his~~ a successor 984
takes office, or until a period of sixty days has elapsed, 985
whichever occurs first. Members shall be qualified by experience 986
and training to deal with the matters that are the responsibility 987
of the commission. Two members shall be members of paid fire 988
services, one shall be a member of volunteer fire services, two 989
shall be mayors, managers, or members of legislative authorities 990
of ~~municipalities~~ municipal corporations, one shall represent 991
commerce and industry, one shall be a representative of a fire 992
insurance company domiciled in this state, one shall represent the 993
flammable liquids industry, one shall represent the construction 994
industry, and one shall represent the public. At no time shall 995
more than six members be members of or associated with the same 996
political party. Membership on the commission shall not constitute 997
holding a public office, and no person shall forfeit or otherwise 998
vacate ~~his~~ the person's office or position of employment because 999
of membership on the commission. 1000

(B) The ex officio members may not vote, except that the fire 1001
marshal or ~~his~~ chief deputy fire marshal may vote in case of a 1002
tie. 1003

(C) Each member of the commission, other than ex officio 1004
members, shall be paid an amount equal to that payable under pay 1005

range 32 (S)(D) fixed pursuant to division (J) of section 124.15 1006
of the Revised Code, and ~~his~~ the member's actual and necessary 1007
expenses. 1008

(D) The commission shall select a ~~chairman~~ chairperson and a 1009
~~vice-chairman~~ vice-chairperson from among its members. No business 1010
may be transacted in the absence of a quorum. A quorum shall be at 1011
least six members, excluding ex officio members, and shall include 1012
either the ~~chairman~~ chairperson or ~~vice-chairman~~ vice-chairperson. 1013
The commission shall hold regular meetings at least once every two 1014
months and may meet at any other time at the call of the ~~chairman~~ 1015
chairperson. 1016

(E) The fire marshal shall provide the commission with office 1017
space, meeting rooms, staff, and clerical assistance necessary for 1018
the commission to perform its duties. If the commission maintains 1019
the Ohio fire service hall of fame under division (C) of section 1020
3737.03 of the Revised Code, the fire marshal shall preserve, in 1021
an appropriate manner, in the office space or meeting rooms 1022
provided to the commission under this division or in another 1023
location, copies of all official commendations awarded to 1024
individuals recognized and commemorated for their exemplary 1025
accomplishments and acts of heroism at fire-related incidents or 1026
similar events that occurred in this state. 1027

(F) If the commission maintains the Ohio fire service hall of 1029
fame under division (C) of section 3737.03 of the Revised Code, 1030
the expenses incurred for the recognition and commemoration of 1031
individuals for their exemplary accomplishments and acts of 1032
heroism at fire-related incidents or similar events that occurred 1033
in this state, including, but not limited to, expenses for 1034
official commendations and an annual awards ceremony as described 1035
in division (C) of section 3737.03 of the Revised Code, may be 1036
paid from moneys appropriated by the general assembly for purposes 1037

of that recognition and commemoration, from moneys that are 1038
available to the fire marshal under this chapter, or from other 1039
funding sources available to the commission. 1040

Sec. 4765.49. (A) A first responder, emergency medical 1041
technician-basic, emergency medical technician-intermediate, or 1042
emergency medical technician-paramedic is not liable in damages in 1043
a civil action for injury, death, or loss to person or property 1044
resulting from the individual's administration of emergency 1045
medical services, unless the services are administered in a manner 1046
that constitutes willful or wanton misconduct. A physician or 1047
registered nurse designated by a physician, who is advising or 1048
assisting in the emergency medical services by means of any 1049
communication device or telemetering system, is not liable in 1050
damages in a civil action for injury, death, or loss to person or 1051
property resulting from the individual's advisory communication or 1052
assistance, unless the advisory communication or assistance is 1053
provided in a manner that constitutes willful or wanton 1054
misconduct. Medical directors and members of cooperating physician 1055
advisory boards of emergency medical service organizations are not 1056
liable in damages in a civil action for injury, death, or loss to 1057
person or property resulting from their acts or omissions in the 1058
performance of their duties, unless the act or omission 1059
constitutes willful or wanton misconduct. 1060

(B) A political subdivision, joint ambulance district, joint 1061
emergency medical services district, or other public agency, and 1062
any officer or employee of a public agency or of a private 1063
organization operating under contract or in joint agreement with 1064
one or more political subdivisions, that provides emergency 1065
medical services, or that enters into a joint agreement or a 1066
contract with the state, any political subdivision, joint 1067
ambulance district, or joint emergency medical services district 1068
for the provision of emergency medical services, is not liable in 1069

damages in a civil action for injury, death, or loss to person or
property arising out of any actions taken by a first responder,
EMT-basic, EMT-I, or paramedic working under the officer's or
employee's jurisdiction, or for injury, death, or loss to person
or property arising out of any actions of licensed medical
personnel advising or assisting the first responder, EMT-basic,
EMT-I, or paramedic, unless the services are provided in a manner
that constitutes willful or wanton misconduct.

(C) A student who is enrolled in an emergency medical
services training program accredited under section 4765.17 of the
Revised Code or an emergency medical services continuing education
program approved under that section is not liable in damages in a
civil action for injury, death, or loss to person or property
resulting from either of the following:

(1) The student's administration of emergency medical
services or patient care or treatment, if the services, care, or
treatment is administered while the student is under the direct
supervision and in the immediate presence of an EMT-basic, EMT-I,
paramedic, registered nurse, or physician and while the student is
receiving clinical training that is required by the program,
unless the services, care, or treatment is provided in a manner
that constitutes willful or wanton misconduct;

(2) The student's training as an ambulance driver, unless the
driving is done in a manner that constitutes willful or wanton
misconduct.

(D) An EMT-basic, EMT-I, paramedic, or other operator, who
holds a valid commercial driver's license issued pursuant to
Chapter 4506. of the Revised Code or driver's license issued
pursuant to Chapter 4507. of the Revised Code and who is employed
by an emergency medical service organization that is not owned or
operated by a political subdivision as defined in section 2744.01
of the Revised Code, is not liable in damages in a civil action

for injury, death, or loss to person or property that is caused by 1102
the operation of an ambulance by the EMT-basic, EMT-I, paramedic, 1103
or other operator while responding to or completing a call for 1104
emergency medical services, unless the operation constitutes 1105
willful or wanton misconduct or does not comply with the 1106
precautions of section 4511.03 of the Revised Code. An emergency 1107
medical service organization is not liable in damages in a civil 1108
action for any injury, death, or loss to person or property that 1109
is caused by the operation of an ambulance by its employee or 1110
agent, if this division grants the employee or agent immunity from 1111
civil liability for the injury, death, or loss. 1112

(E) An employee or agent of an emergency medical service 1113
organization who receives requests for emergency medical services 1114
that are directed to the organization, dispatches first 1115
responders, EMTs-basic, EMTs-I, or paramedics in response to ~~such~~ 1116
those requests, communicates ~~such~~ those requests to those 1117
employees or agents of the organization who are authorized to 1118
dispatch first responders, EMTs-basic, EMTs-I, or paramedics, or 1119
performs any combination of these functions for the organization, 1120
is not liable in damages in a civil action for injury, death, or 1121
loss to person or property resulting from the individual's acts or 1122
omissions in the performance of those duties for the organization, 1123
unless an act or omission constitutes willful or wanton 1124
misconduct. 1125

(F) A person who is performing the functions of a first 1126
responder, EMT-basic, EMT-I, or paramedic under the authority of 1127
the laws of a state that borders this state and who provides 1128
emergency medical services to or transportation of a patient in 1129
this state is not liable in damages in a civil action for injury, 1130
death, or loss to person or property resulting from the person's 1131
administration of emergency medical services, unless the services 1132
are administered in a manner that constitutes willful or wanton 1133

misconduct. A physician or registered nurse designated by a 1134
physician, who is licensed to practice in the adjoining state and 1135
who is advising or assisting in the emergency medical services by 1136
means of any communication device or telemetering system is not 1137
liable in damages in a civil action for injury, death, or loss to 1138
person or property resulting from the person's advisory 1139
communication or assistance, unless the advisory communication or 1140
assistance is provided in a manner that constitutes willful or 1141
wanton misconduct. 1142

(G) A person certified under section 4765.23 of the Revised 1143
Code to teach in an emergency medical services training program or 1144
emergency medical services continuing education program, and a 1145
person who teaches at the Ohio fire academy established under 1146
section 3737.33 of the Revised Code or in a fire service training 1147
program described in division (B) of section 4765.55 of the 1148
Revised Code, is not liable in damages in a civil action for 1149
injury, death, or loss to person or property resulting from the 1150
person's acts or omissions in the performance of the person's 1151
duties, unless an act or omission constitutes willful or wanton 1152
misconduct. 1153

(H) In the accreditation of emergency medical services 1154
training programs or approval of emergency medical services 1155
continuing education programs, the state board of emergency 1156
medical services and any person or entity authorized by the board 1157
to evaluate applications for accreditation or approval are not 1158
liable in damages in a civil action for injury, death, or loss to 1159
person or property resulting from their acts or omissions in the 1160
performance of their duties, unless an act or omission constitutes 1161
willful or wanton misconduct. 1162

(I) A person authorized by an emergency medical service 1163
organization to review the performance of first responders, 1164
EMTs-basic, EMTs-I, and paramedics or to administer quality 1165

assurance programs is not liable in damages in a civil action for 1166
injury, death, or loss to person or property resulting from the 1167
person's acts or omissions in the performance of the person's 1168
duties, unless an act or omission constitutes willful or wanton 1169
misconduct. 1170

Section 2. That existing sections 9.60, 146.01, 146.12, 1171
2743.02, 2909.01, 2921.22, 3737.01, 3737.03, 3737.16, 3737.21, 1172
3737.22, 3737.26, 3737.27, 3737.28, 3737.42, 3737.43, 3737.45, 1173
3737.81, and 4765.49 of the Revised Code are hereby repealed. 1174

Section 3. This act shall be known as the "Fire Marshal 1175
Modernization Act." 1176

Section 4. Section 2921.22 of the Revised Code is presented 1177
in this act as a composite of the section as amended by both Am. 1178
Sub. H.B. 445 and Sub. S.B. 223 of the 121st General Assembly. The 1179
General Assembly, applying the principle stated in division (B) of 1180
section 1.52 of the Revised Code that amendments are to be 1181
harmonized if reasonably capable of simultaneous operation, finds 1182
that the composite is the resulting version of the section in 1183
effect prior to the effective date of the section as presented in 1184
this act. 1185