

1 11 NCAC 05A .0101 is amended as published in 31.04 NCR 281-282 as follows:

2 **CHAPTER 05 – OFFICE OF STATE FIRE MARSHAL**
3 **SUBCHAPTER 05A - FIRE AND RESCUE SECTION**
4 **.0100 - GENERAL PROVISIONS**

5 **11 NCAC 05A .0101 DEFINITIONS**

6 As used in this Subchapter:

- 7 (1) "ISO" means the Insurance Services Office, Inc., or any successor organization.
- 8 (2) "North Carolina Fire Suppression Rating Schedule" or "NCFRS" means the ISO Fire Suppression
9 Rating Schedule. The NCFRS is incorporated into this Subchapter by reference, including
10 subsequent amendments or editions. The NCFRS may be obtained from the ISO at
11 <http://www.iso.com/> for ~~fifty five dollars (\$55.00)~~ a ~~fee,~~ ~~fee~~ ~~[subject to change]~~ of one hundred
12 ~~dollars (\$100.00)~~. Fire chiefs and local government chief administrative officials may request a
13 single copy of the FRS, ~~or on-line access to the FRS and commentaries,~~ free of ~~charge.~~charge
14 at www.iso.com.
- 15 (3) "NFIRS" means the National Fire Incident Reporting System administered by the United States Fire
16 Administration (USFA) and coordinated and collected in North Carolina by the Office of the State
17 Fire Marshal. ~~The NFIRS can be accessed electronically and free software and copies of the program~~
18 ~~may be obtained by contacting the NC Office of the State Fire Marshal at:~~
19 ~~Office of the State Fire Marshal~~
20 ~~P.O. Box 1202 Mail Service Center~~
21 ~~Raleigh, NC 27699 1202~~
22 ~~or by contacting the USFA at <http://www.usfa.dhs.gov>.~~State fire incident reporting instructions
23 are provided by OSFM at
24 http://www.ncdoi.com/OSFM/Fire_Rescue_Commission/Default.aspx?field1=Incident_Reportin
25 [g_-_Information&user=Incident_Reporting\]](http://www.ncdoi.com/OSFM/Fire_Rescue_Commission/Default.aspx?field1=Incident_Reportin)
26 http://www.ncdoi.com/OSFM/Fire_Rescue_Commission/Default.aspx?field1=Incident_Reportin
27 [g_-_Information&user=Incident_Reporting](http://www.ncdoi.com/OSFM/Fire_Rescue_Commission/Default.aspx?field1=Incident_Reportin) for no charge and satisfy NFIRS reporting
28 requirements.
- 29 (4) "Office of State Fire Marshal" or "OSFM" means the Office of State Fire Marshal of the North
30 Carolina Department of Insurance

31
32 *History Note:* Authority G.S. 58-2-40; ~~58-79-45;~~
33 *Eff. February 1, 1976;*
34 *Readopted Eff. May 12, 1978;*
35 *Amended Eff. January 1, 2017; September 1, 2010; October 1, 2006; July 1, 1986.*
36

1 11 NCAC 05A .0105 is amended as published in 31.04 NCR 282 as follows:

2 **11 NCAC 05A .0105 TRAINING OPERATIONS**

3 ~~The Field Training Staff of the Fire and Rescue Division of the Department of Insurance shall serve as staff to the State~~
4 ~~Fire Commission.~~ O S F M Staff staff duties shall include ~~but not be limited to~~ the following:

- 5 (1) ~~Research~~ research and development of new techniques, tools, and procedures in order to develop
6 specialized training for ~~firefighters~~ firefighters, as well as instructor ~~training.~~ training;
- 7 (2) ~~Provide~~ provide input to the State Fire and Rescue Commission regarding changes in standards
8 based on ~~research.~~ research;
- 9 (3) ~~Provide~~ provide technical support to the ~~State Fire Commission.~~ State Fire and Rescue
10 Commission;
- 11 (4) ~~Evaluate~~ evaluate and audit delivery programs ~~when as authorized by the State Fire Commission~~
12 ~~State Fire and Rescue (Commission) Commission; and requests and approves such evaluations.~~
- 13 (5) ~~Plan, develop~~ plan, develop, and deliver training programs for fire departments, rescue squads,
14 colleges, ~~universities~~ universities, and other governmental agencies.

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16 *History Note:* Authority G.S. 58-2-40; 58-78-10;
17 *Eff. February 1, 1976;*
18 *Readopted Eff. May 12, 1978;*
19 *Amended Eff. January 1, 2017; October 1, 1988.*

20

1 11 NCAC 05A .0202 is amended as published in 31.04 NCR 282 as follows:

2 **11 NCAC 05A .0202 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

3 The Commissioner of Insurance acts as an advisor to the Governor for Structural Fire Suppressions and Rescue Services
4 under the North Carolina ~~Comprehensive~~ Emergency ~~Management~~ Operations Plan and assists other state and local
5 agencies through the ~~Fire and Rescue Services Division~~ OSFM in the following areas:

- 6 (1) ~~Planning~~ planning in the fire and rescue services;
- 7 (2) ~~Training~~ training in the various fields of emergency structural fire suppression, rescue services,
8 search and rescue, fire prevention and education;
- 9 (3) ~~The Fire and Rescue Services Division serves~~ [Serving] servicing as the lead agency for Structural Fire
10 Suppressions and Rescue Services during these declared emergencies; and
- 11 (4) ~~The Fire and Rescue Services Division serves~~ [Serving] servicing as a support agency for search
12 and rescue functions during these declared emergencies.

13

14 *History Note:* Authority G.S. 58-2-40; 58-80-1 thru 58-80-60;
15 Eff. February 1, 1976;
16 Readopted Eff. May 12, 1978;
17 Amended Eff. January 1, 2017; July 1, 1986.

1 11 NCAC 05A .0302 is amended as published in 31.04 NCR 282 as follows:

2 **11 NCAC 05A .0302 CERTIFICATION OF ELIGIBILITY**

3 The certification form required by G.S. 58-84-46 shall be entitled "Local Relief Fund Board of Trustees Report"
4 [~~(previously entitled) "Report of Fire Conditions"~~ Conditions] and shall, in addition to the information required by
5 G.S. 58-84-46, include the following:

- 6 (1) ~~The~~ the name of the city, fire district, or sanitary district;
- 7 (2) [~~Names;~~ names, home addresses, email addresses, and phone numbers of the "board of trustees of the
8 local Firefighters' Relief Fund"; ~~and~~
- 9 (3) ~~Identity~~ identify of the treasurer and board chair of the local Firefighters' Relief ~~Fund~~ Fund; and
- 10 (4) ~~The~~ the date each person was (re)elected or (re)appointed to the board.

11

12 *History Note: Authority G.S. 58-2-40(1); 58-84-46;*

13 *Eff. February 1, 1976;*

14 *Readopted Eff. May 12, 1978;*

15 *Amended Eff. January 1, 2017; September 1, 2010; October 1, 2006; July 1, 2002; February 1,*
16 *1993; July 1, 1986.*

17

1 11 NCAC 05A .0303 is amended as published in 31.04 NCR 282-283 as follows:

2 **11 NCAC 05A .0303 ADMINISTRATION OF FIREFIGHTERS' RELIEF FUND**

3 (a) ~~The Fire and Rescue Services Division~~OSFM shall compile and maintain accurate records utilizing computer or
4 paper records, including the following information:

5 (1) ~~Certifications~~ certifications of the "~~Report of Fire Conditions~~" "Local Relief Fund Board of Trustees
6 Report" filed ~~by the local clerks [clerks,] or finance officers; [officers, or fire chiefs if delegated by~~
7 ~~the local clerks or finance officers;]~~ in accordance with G.S. 58-84-46;

8 (2) ~~Certifications~~ certifications ~~of the member fire departments, the fund balance of each fund, and the~~
9 ~~bond amount covering each fund,~~ filed by the North Carolina State Firemen's Association each year;
10 in accordance with G.S. 58-84-40(b);

11 (3) ~~Amount~~ amount of Firefighters' Relief Fund tax assigned by the North Carolina Department of
12 Revenue; and

13 (4) ~~Amount~~ amount of property tax values for each rated fire district as filed by each County.

14 (b) If a fire department dissolves, the following procedures apply:

15 (1) If a neighboring fire department elects to expand its boundaries to include the area served by the
16 dissolved fire department, the Firefighters' Relief Fund account shall be transferred to the expanding
17 fire department.

18 (2) If no neighboring fire department elects to include the dissolved fire department's territory into its
19 own, the dissolved fire department shall not be certified and shall forfeit its right to future annual
20 payments from the funds mentioned in Article 84 of Chapter 58, Firefighters' Relief Fund.

21 (c) If a rated and certified fire department that is serving two or more rated and certified districts divides into separate
22 fire departments, the original rated and certified fire department shall retain the relief fund for each rated and certified
23 district. Any new fire department resulting from the division shall be entitled to receive relief fund money when after
24 it has been ~~rated;~~ rated and certified in accordance with 11 NCAC 05A .0503.

25 (d) Fire department checks shall be disbursed by the ~~Department of Insurance to the finance officer of the local~~
26 ~~government entity.~~ Department of Insurance Controllers office to the fire departments in that county through
27 Electronic Funds [Transfer] Transfer, unless a fire department's account cannot accept electronic funds transfers, in
28 which case the Commissioner shall distribute the department's allocation by paper check.

29
30 *History Note:* Authority G.S. 58-2-40(1); 58-84-25; 58-84-40; 58-84-50; 58-85-1; 58-86-25;
31 *Eff. February 1, 1976;*
32 *Readopted Eff. May 12, 1978;*
33 *Amended Eff. January 1, 2017; September 1, 2010; February 1, 1993; July 1, 1986.*
34

1 11 NCAC 05A .0501 is amended as published in 31.04 NCR 283 as follows:

2 **SECTION .0500 - INITIAL CERTIFICATION AND RESPONSE RATINGS FOR FIRE DEPARTMENTS**

3
4 **11 NCAC 05A .0501 PURPOSE**

5 The purpose of this Section is to determine set forth the minimum requirements that a fire department must [shall] meet in
6 order to qualify for eligibility for death benefits under Article 12A of Chapter 143 of the North Carolina General
7 Statutes, and the North Carolina Firemen's Pension Fund under G.S. 58-86-25; for initial recognition in insurance
8 premiums for a responding fire department; and for the response rating for fire districts. to designate insurance
9 premiums. Upon meeting the initial requirements for certification, a fire district shall be given a rating of [~~“9S”~~]
10 “9S.” A fire district may get a rating from "1 through 8" upon improving its response capabilities with "1" being
11 the best rating. For ratings of 1 through 8, the fire department-district shall be evaluated using the current NCFRS. If
12 at any time a [department] district is determined through a “9S” inspection conducted by OSFM to be unable to meet
13 the requirements set forth in these standards for up to twelve months from the issuance date of the notification letter,
14 [a given period of time;] [they] the district may be designated a “Class 10” (non-certified).

15
16 *History Note:* Authority G.S. 58-2-40; 58-86-25;

17 *Eff. September 1, 1985;*

18 *Amended Eff. January 1, 2017; October 1, 2006; July 1, 1992; July 1, 1986.*

1 11 NCAC 05A .0503 is amended as published in 31.04 NCR 283 as follows

2 **11 NCAC 05A .0503 ESTABLISHMENT OF FIRE DEPARTMENT**

3 To become a rated and certified fire department, a fire department shall apply and meet the following criteria:

- 4 (1) ~~The the~~ fire department shall be ~~incorporated under Chapter 55A of the General Statutes or be~~ operated
5 by a city, county, or sanitary district as a division of that governmental ~~unit, or be incorporated under~~
6 Chapter 55A of the General Statutes unit.
- 7 (2) ~~If if~~ the fire department is incorporated, it shall operate under a contract with either a city, county,
8 or sanitary district or any combination ~~thereof, thereof.~~
- 9 (3) ~~Boundaries boundaries~~ defining the area of responsibility shall be established by a County
10 Board of Commissioners for areas outside municipalities pursuant to ~~G.S. 153A-233. G.S. 153A-~~
11 233; and
- 12 (4) ~~The the~~ fire department shall provide ~~the~~ OSFM with a hand drawn map ~~and with~~ a written description
13 or a GIS computer generated map of its initial or revised fire ~~insurance district. district with the~~
14 documentation of the approval by the County Commissioners.

15

16 *History Note:* Authority G.S. 58-2-40; ~~58-84-5; 58-86-25;~~
17 *Eff. September 1, 1985;*
18 *Amended Eff. January 1, 2017; October 1, 2006; July 1, 1992; July 1, 1986.*

19

1 11 NCAC 05A .0504 is amended as published in 31.04 NCR 283 as follows:

2 **11 NCAC 05A .0504 PRIMARY PERSONNEL**

3 Upon initial or re-inspection for certification as a Class "9S" fire department, the fire department shall have a minimum
4 of 20 primary personnel. ~~with at least two designated as traffic control and at least 18 designated as firefighters. No~~
5 ~~[member] eligible firefighter~~ may be counted as a primary ~~[member] firefighter~~ of two, on call, volunteer
6 departments. At the time of re-inspection, a fire department shall maintain 20 primary personnel on their certified state
7 roster. ~~or show, through documentation, that an average of 12 personnel have responded on each of the last 20 structure~~
8 ~~fires.~~ At least one engine with four personnel must respond to each reported structure ~~fire fire, which includes fire~~
9 ~~alarm.~~ alarm activations where fire or damage has occurred. ~~A roster of personnel containing names and attendance of~~
10 ~~business meetings and training meetings shall be kept.~~ For the purpose of this section "primary personnel" means ~~[a~~
11 ~~an [member] eligible firefighter~~ that is associated with the fire department for the purpose of satisfying certification
12 inspection requirements.

13

14 *History Note:* Authority G.S. 58-2-40; ~~58-86-25;~~

15 *Eff. September 1, 1985;*

16 *Amended Eff. ~~January 1, 2017;~~ October 1, 2006; July 1, 1992.*

17

1 11 NCAC 05A .0505 is amended as published in 31.04 NCR 283-284 as follows:

2 **11 NCAC 05A .0505 ~~DRILLS AND MEETING~~ TRAINING REQUIREMENTS**

3 (a) All members of fire departments shall comply with the ~~drills and meetings~~ training requirements of G.S. 58-86-
4 25.

5 (1) Fire departments shall provide [at least] four hours of training per [month, with each firefighter obtaining
6 a minimum of 36 hours of training per year. A roster of personnel containing the names and hours of
7 training attendance shall be kept for each training session.] month for eligible firefighters to comply with
8 G.S.58-86-25. The fire department shall maintain copies of the reports submitted in compliance with G.S.
9 58-86-25 and kept for a period of five years.

10 (b) The chief officer of each fire department shall:

11 (1) within one year of appointment, complete a class on basic management of fire department operations —~~and~~
12 ~~records~~ approved and provided by the North Carolina State Fire and Rescue Commission for chief officer based
13 upon National Fire Protection Association (NFPA) standards for chief officer. NFPA Standard 1021 is
14 incorporated into this Subchapter by reference, including but not limited to subsequent amendments or
15 editions. NFPA Standard 1021 is available from the National Fire Protection Association at
16 <http://www.nfpa.org/> for a fee [subject to change] of thirty-seven dollars (\$37.00); forty-four dollars and fifty
17 cents (\$44.50); and

18 (2) complete the course as described in Subparagraph (1) of this Paragraph, which shall be titled "Chief 101"—~~a~~
19 ~~minimum~~ of every five years.

20
21 *History Note:* Authority G.S. 58-2-40; 58-36-10; 58-78-5; 58-86-25;

22 Eff. September 1, 1985;

23 Amended Eff. January 1, 2017; October 1, 2010; October 1, 2006; July 1, 1992.

24

1 11 NCAC 05A .0506 is amended as published in 31.04 NCR 284 as follows:

2 11 NCAC 05A .0506 ALARM AND COMMUNICATIONS

3 Communications facilities shall be provided for the receipt of reported reporting emergencies, dispatching dispatching
4 [and]documentation of responding fire apparatus, and notification of firefighters. The communications system shall
5 provide one telephone listing facilities for dispatching assistance to fire emergencies that reaches a location that
6 receives calls and responds 24 hours a day day, seven days a week. ~~That~~The communications facility ~~location~~ shall
7 have the capability of activating sirens or pagers all types of systems utilized in order to dispatch the fire apparatus and
8 notify all firefighters of an emergency, department. ~~[Communications facilities shall have the means to alert all~~
9 ~~firefighters in the event of an emergency call.] [This may be done]~~ The alert may be provided by pagers, portable
10 radios with alerting capabilities, siren activation from the communications center, or station alerting devices with [on
11 duty(paid)] paid personnel. Text paging or phone paging shall not be a [creditable] means of notification.

12

13 *History Note: Authority G.S. 58-2-40; 58-86-25; 143-166.1;*

14 *Eff. September 1, 1985;*

15 *Amended Eff. January 1, 2017; October 1, 2006.*

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17

1 11 NCAC 05A .0507 is amended as published in 31.04 NCR 284 as follows:

2 **11 NCAC 05A .0507 RECORDS AND DOCUMENTS**

- 3 (a) ~~In addition to personnel records, the~~ The city or county ~~manager~~ manager, ~~or~~ fire department ~~chief~~ chief, or
4 county fire marshal shall keep records on dates, times and locations of all emergencies on the current version
5 of the National Fire Incident Reporting System (NFIRS) as prescribed in Rule .0101 of this Subchapter;~~44~~
6 ~~NCAC 05A .0101(3), inventory of equipment, and maintenance of apparatus;~~ and shall submit the following
7 documents to the Department of ~~Insurance;~~ Insurance upon request prior to an inspection; certified state
8 roster, charter, contract(s) with city(ies) and/or and county(ies), service test report, weight tickets, current
9 ~~map and written description of the map,~~ an inventory of protective clothing, and verification of workers
10 compensation coverage. ~~from the county approving the fire district boundaries.~~
- 11 (b) ~~Whenever a fire department responds to a fire [is dispatched to a call,] a [the] chief of that department shall~~
12 ~~complete or cause to be completed a fire [an] incident report on the current version of the National Fire Incident~~
13 ~~Reporting System (NFIRS) in accordance with [the State Fire Incident reporting instructions]~~11 NCAC 05A
14 ~~.0101(3) and otherwise comply with G.S. 58-79-45. [OSFM provides State fire incident reporting~~
15 ~~instructions, that satisfy the NFIRS reporting requirements, for] A fire department shall comply with G.S.~~
16 58-79-45 by using the NFIRS reporting requirements found at no charge at the following link:
17 [
19
21 Information&user=Incident_Reporting. All reports shall be submitted within 120 days of incident
22 occurrence. [Failure to report shall be an inspection deficiency.]

23 *History Note:* Authority G.S. 58-2-40; ~~58-36-10;~~ 58-79-45; ~~58-86-25;~~
24 Eff. September 1, 1985;
25 Amended Eff. January 1, 2017; September 1, 2010; October 1, 2006; July 1, 1992.

1 11 NCAC 05A .0508 is amended as published in 31.04 NCR 284-285 as follows:

2 **11 NCAC 05A .0508 APPARATUS**

3 To qualify for ~~initial~~inspection certification by OSFM and receive or maintain a minimum rating of Class "9S",
4 the fire department shall have the following apparatus, ~~and equipment~~equipment, and documentation:

5 (1) ~~Pumper~~Engine.

6 (a) The fire department shall have an approved ~~pumper engine~~ (automotive fire apparatus
7 equipped with a fire pump and tank). To be approved, the fire department ~~pumper engine~~
8 ~~must~~shall be certified by Underwriters Laboratories, Inc., and constructed in accordance
9 with the National Fire Protection Association Standard 1901 - Standard for Automotive
10 Fire Apparatus. The apparatus shall not be loaded beyond limits certified by the "Gross
11 Vehicle Weight" label attached to the vehicle; nor shall the vehicle be modified in a manner
12 that would invalidate ~~this~~ the manufacturers' certification. NFPA Standard 1901 is
13 incorporated into this Subchapter by reference, but not including subsequent amendments
14 or editions. NFPA Standard 1901 is available from the National Fire Protection Association
15 at <http://www.nfpa.org/> for a ~~[fee.] fee~~ [subject to change] of ~~fifty dollars (\$50.00).~~ forty-
16 four dollars and fifty cents (\$44.50).

17 (b) The pump shall have a rated capacity of not less than 750 gallons per minute at 150 pounds
18 per square inch net pump pressure.

19 (c) The ~~pumper engine~~ shall be equipped with at least a ~~500~~ 300 gallon water tank.

20 (d) A service test ~~must~~ shall have been performed on the "first responding" ~~pumper engine~~
21 during the 12-month period before the inspection. If the ~~pumper engine~~ has had been
22 purchased as new within the 12-month period before the "9S" inspection, the U.L.
23 Certificate meets this requirement.

24 (e) The fire departments shall maintain documentation of all equipment and apparatus
25 including engines, tankers, service ~~[trucks]~~ trucks, and aerial apparatus through an
26 inventory list. Monthly inventory checks shall be recorded for 12 consecutive ~~[months.]~~
27 months required by the North Carolina Fire Suppression Rating Schedule as defined in
28 11 NCAC 05A .0101.

29 (f) The fire departments shall maintain documentation of maintenance checklists for all
30 apparatus including engines, tankers, service ~~[trucks]~~ trucks, and aerial apparatus and
31 records verifying that all apparatus is checked monthly for 12 consecutive months.

32 (2) ~~Tanker~~Tanker (or mobile water supply capacity).

33 (a) The fire department shall have a motorized tank truck of at least 1000 gallons water
34 ~~capacity~~ capacity, or enough to equal at least ~~1500~~ 1300 gallons of water total ~~for~~ pumper
35 combined between the engine and ~~tanker~~tanker.

36 (b) The tanker shall be equipped with the necessary hose for filling or refilling the tank
37 with ~~and hose~~ hoses or equipment for transferring water to the ~~pumper~~ engine or other

1 devices.

2 (c) The tanker, when **fully** loaded, shall not exceed the Gross Vehicle Weight limits as certified
3 on the label attached to the vehicle; nor shall the vehicle be modified in a manner that would
4 invalidate this certification. All tankers shall be baffled in accordance with the National Fire
5 Protection Association Standard 1901 – Standard for Automotive Fire Apparatus which is
6 available from the National Fire Protection Association.

7 (3) The following equipment shall be carried on responding fire department pumps:

8 (a) The ~~pumper engine~~ shall be equipped with 2-~~150~~ 200 foot 1-1/2 inch or 1-3/4 inch pre-
9 connected hose lines with fog nozzles attached;

10 (b) One booster reel or a third three 200 foot pre-connected hose lines; line of 1-1/2 inch or
11 larger with a nozzle attached;

12 (c) Suction hose - size necessary to flow the capacity of pumper on the engine - 2 - 10 foot
13 ~~sections;~~ sections (If the insurance district is 85% or more covered by useable hydrants the
14 engine may have a 15 foot section of soft suction hose size necessary to flow the capacity
15 of the pump on the engine);

16 (d) Four OSHA approved self-contained breathing apparatus in proper working condition;

17 (e) **The fire department shall provide** OSHA approved protective clothing for all firefighters
18 including helmets, hoods, coats, pants, boots, and gloves or issued to all firefighters; and
19 reflective clothing and helmet for traffic control personnel;

20 (f) One 12 foot or 14 foot roof ladder;

21 (g) One ~~24 foot~~ 24 foot, 28 foot, or 35 foot extension ladder;

22 (h) One axe;

23 (i) One claw tool (~~Halligan~~ (One Halligan Tool may replace claw tool and or crowbar);
24 crowbar but not both);

25 (j) One crowbar (~~Halligan~~ (One Halligan Tool may replace crowbar and or claw tool); claw
26 tool but not both);

27 (k) One pike pole, minimum 8 foot;

28 (l) Two mounted rechargeable type portable hand lights suitable for hazardous conditions; ("4V"
29 wet or "6V" dry);

30 (m) 100 feet of utility rope, minimum 1/2 inch; 1/2 inch diameter;

31 ~~(n) Two shovels;~~

32 ~~(n)~~ Two 20 **pound, pound,** Class B-C portable extinguishers;

33 ~~(p)~~ One First Aid kit; and

34 ~~(p)~~ One bolt cutter, with 14 inches or longer; longer handles.

36 *History Note: Authority G.S. 58-2-40; 58-36-10(3); **58-86-25;***

37 *Eff. September 1, 1985;*

Amended Eff. January 1, 2017; October 1, 2006; August 3, 1992.

1 11 NCAC 05A .0510 was proposed as an amendment in 31.04 NCR 285, but is now being repealed as follows:

2

3 **11 NCAC 05A .0510 INSPECTION**

4

5 *History Note: Authority G.S. 58-2-40; 58-36-10(3); 58-86-25;*

6 *Eff. September 1, 1985;*

7 *Amended Eff. October 1, 2006; July 1, 1992.*

8 *Repealed Eff. January 1, 2017*

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10

1 11 NCAC 05A .05011 is amended as published in 31.04 NCR 285-286 as follows:

2 **11 NCAC 05A .0511 SIX MILE INSURANCE DISTRICT**

3 To extend its insurance district to six miles, each fire department shall apply and meet the following criteria:

4 (1) ~~The~~ the fire department shall provide ~~the~~ OSFM with a hand drawn map and written description or a
5 GIS computer generated map of its fire ~~district.~~ insurance district as approved by the County
6 Commissioners as set forth in G.S. 153A-233;

7 ~~(2) The the map and written description [description, or GIS maps] shall be presented to the County~~
8 ~~Commissioners county commissioners for their approval, as set forth in G.S. 153A-233. G.S. 153A-~~
9 ~~233;~~

10 ~~(3)(2)~~ The the fire department applying to extend its insurance district to six miles shall enter into
11 a written automatic aid contract with the adjoining districts to the area being extended specifying
12 that "an apparatus capable of transporting" a minimum of 1000 gallons of water shall be
13 dispatched simultaneously with the department whose district the incident is occurring within.
14 within; and

15 ~~(4)(3)~~ The the County county shall establish automatic aid response protocols. These protocols shall be
16 maintained at the county communication center and shall be used on all alarms involving reported
17 structure fires.

18
19 *History Note: Authority G.S. 58-2-40; ~~58-86-25;~~ 58-40-25(4);*
20 *Eff. October 1, 2006;*
21 *Amended Eff. January 1, 2017.*

1 11 NCAC 05A .0512 is amended as published in 31.04 NCR 286 as follows:

2 **11 NCAC 05A .0512 STANDARDS AND POLICIES**

3 (a) The NCFRS shall be used by ~~the~~ OSFM when ~~the~~ OSFM inspects fire departments for the purpose of
4 determining Fire Insurance District Ratings Classifications. Each fire department shall assure the response of at least
5 four ~~members~~ **firefighters** and one engine to all fires and fire alarms where fire or damage occurred in
6 structures. The chief may be one of the four responding ~~members,~~ **firefighters.** Response of a fire department, as
7 primary first alarm department, to a fire or fire alarm in a structure within its established fire insurance district
8 with less than the minimum required engine or ~~manpower~~ **four firefighters** shall be considered by ~~the~~ OSFM to be a
9 ~~Non-Response~~ an inadequate response. Fire alarms where no fire or damage has occurred as determined by a fire
10 official on-scene ~~[will]~~ **shall not be considered by the inspector.** Any department determined by ~~the~~ OSFM to have
11 two or more "Non-Response" records inadequate responses shall be placed by ~~the~~ OSFM on probation by OSFM for
12 a period of up to 12 consecutive months. A fire department on probation shall submit quarterly records to the OSFM
13 copies of response records for all fire fires and fire alarm alarms reported in structure structures for the next
14 12 consecutive calendar months ~~that show~~ showing there have been no additional "non-responses" ~~["inadequate~~
15 ~~responses"]~~ **inadequate response** within ~~that 12-month~~ the period. If the fire department fails to submit the quarterly
16 report, the insurance district for the fire department shall be designated ~~as~~ as "Class 10" (non-certified) by ~~the~~ OSFM.
17 In addition, any department found to have any deficiencies during an Inspection shall be placed on probation until
18 the ~~[deficiency]~~ deficiency, as determined by the 9S inspection requirement, has been corrected, or up to 12 months
19 at which time the department shall be designated a "Class 10" insurance district by [OSFM.] in accordance with
20 **NCAC 05A .0501.**

21 (b) After evaluation of data collected during an NCFRS inspection, if the results of the inspection indicate that a fire
22 department's ratings classification must be reduced, OSFM shall notify the city or county ~~manager~~ **manager, or the** fire
23 department ~~chief~~ **chief, or and the** county fire marshal in writing of the reduction in ratings classification. ~~The~~ For the
24 purpose of survey grading inspections below 9S notification shall include:

- 25 (1) ~~Hydrant~~ hydrant flow tests and hauled water ~~evaluations~~ evaluations;
26 (2) ~~Ratings~~ ratings classification ~~details~~ details; and
27 (3) ~~Recommendations for improvement.~~ OSFM community report of conditions found.

28 (c) If the city or county ~~manager~~ **manager, or the** fire department ~~chief~~ **chief, or and the** county fire marshal fails to
29 acknowledge receipt ~~with~~ within 30 days after receipt of the notification, ~~the~~ OSFM shall reduce the ratings
30 classification of the fire department.

31 (d) If the city or county ~~manager~~ **manager, or the** fire department ~~chief~~ **chief, and the** county fire marshal acknowledges
32 receipt of the notification to ~~the~~ OSFM within 30 days after receipt of the notification and advises ~~the~~ OSFM that the
33 fire department wants to retain its ratings ~~classification,~~ classification, ~~the~~ The city or county ~~manager~~ **manager, or**
34 the fire department ~~chief~~ **chief, and the** county fire marshal shall consult with the individual ~~Inspector~~ **inspector** who
35 conducted the NCFRS inspection and develop a plan of action to correct the deficiencies ~~that~~ which caused the
36 reduction in ratings classification.

37 (e) Within 90 days after the consultation, the city or county ~~manager~~ **manager,** or fire department ~~chief~~ **chief, and**

1 ~~the~~ county fire marshal shall submit the plan to ~~the~~ OSFM ~~that which~~ shall determine whether the plan is satisfactory
2 to cover the deficiencies. ~~The~~ OSFM shall notify the city manager, ~~or~~ county manager, ~~or~~ fire department chief, ~~or~~
3 and county fire marshal in writing when ~~the~~ OSFM approves the plan.

4 (f) The fire department shall have one year after the receipt of the approval to complete the plan of action to
5 correct the deficiencies ~~that~~ which caused the reduction in ratings classification.

6 (g) The sharing or borrowing of equipment between or among fire departments or between or among stations within
7 a fire department, the falsifying of documents, or engaging in any other act of misrepresentation, for the purpose of
8 falsely satisfying the ~~apparatus/equipment~~ apparatus or equipment grading score of a NCFERS survey grading or 9S
9 inspection ~~is prohibited.~~ shall be prohibited, and shall result in the department being placed on probation. Ratings
10 and inspections information may be found at the following link
11 [http://www.ncdoi.com/OSFM/Ratings_and_Inspections/Default.aspx?field1=Forms.](http://www.ncdoi.com/OSFM/Ratings_and_Inspections/Default.aspx?field1=Forms)

12
13

14 *History Note:* Authority G.S. 58-2-40; 58-36-10(3); ~~58-86-25;~~
15 Eff. October 1, 2006;
16 Amended Eff. January 1, 2017;
17
18

1 11 NCAC 05A .0601 was proposed as an amendment in 31.04 NCR 286, but is now being repealed as follows

2

3 **SECTION .0600 - VOLUNTEER FIRE DEPARTMENT FUND**

4

5 **11 NCAC 05A .0601 DEFINITIONS**

6

7 *History Note: Authority G.S. 58-2-40(1); 58-87-1;*

8

Eff. February 1, 1993.

9

Repealed Eff. January 1, 2017

1 11 NCAC 05A .0602 is amended as published in 31.04 NCR 286 as follows:

2 **11 NCAC 05A .0602 FIRE DISTRICT RATING CERTIFICATION**

3 If a **fire** department is ~~actively~~ working with ~~the Division~~ OSFM to obtain its fire district rating certification as of
4 March 1, it may apply for a grant. In order to receive a grant, the **fire** department ~~must~~shall obtain its fire district
5 rating certification within 60 days after ~~the Division~~ OSFM has determined that the **fire** department has otherwise
6 satisfied the requirements of G.S. 58-87-1 and the Rules in this Section.

7

8 *History Note: Authority G.S. 58-2-40(1); 58-36-10(3); 58-87-1;*

9 *Eff. February 1, 1993;*

10 *Amended Eff. January 1, 2017.*

1 11 NCAC 05A .0603 is amended as published in 31.04 NCR 286-287 as follows

2 **11 NCAC 05A .0603 REQUIREMENTS**

3 (a) The Volunteer Fire Department Fund online application forms for requesting grants for equipment purchases and
4 capital expenditures, shall be made available by ~~the Division OSFM~~ to all fire departments registered with ~~the Division~~
5 OSFM and approved by ~~the Division OSFM~~ by the first business day of January of each year. ~~[This]~~ The application
6 [will] shall be on a form as prescribed by the [Commissioner] Commissioner. ~~[and will contain information to~~
7 ~~determine grant eligibility and score.]~~

8 (b) Online Applications~~applications~~ shall be submitted to ~~the Division OSFM~~ and be ~~postmarked or~~ electronic date
9 stamped no later than March 1. Applications bearing ~~postmarks or~~ electronic date stamps later than March 1 are shall
10 be disqualified. The names of grant recipients shall be announced on May 15. If May 15 falls on a weekend, the
11 announcement shall be made on the following Monday.

12 (c) Any application received by ~~the Division OSFM~~ that is incorrect or incomplete shall be returned to the fire
13 department with a request that the correct or complete information be sent to ~~the Division OSFM~~ within 10 business
14 days after receipt by the fire department. The failure of the fire department to return the requested correct or complete
15 information shall result in the forfeiture by the fire department of its eligibility for a grant during that grant cycle.

16 (d) Any fire department that is on the North Carolina Department of Insurance Noncompliance list or Office of State
17 Budget and Management Suspension of Funding List for Non State Entities at <http://www.osbm.state.nc.us/> shall be
18 ineligible to participate in the Volunteer Fire Department Fund grant program. If a fire department is awarded a grant
19 and becomes ineligible to receive funding due to being noncompliant with the requirements in this section, the grant
20 shall be forfeited 10 business days after notification of noncompliance by OSFM. A fire department that provides
21 false application information shall be ineligible for the following two grant cycles and shall forfeit any grant award
22 already awarded during the current cycle.

23 ~~(d)~~(e) If the application includes a request for a motor vehicle, the vehicle specifications shall accompany the
24 application. and, if used, If a used vehicle is requested, then the vehicle's previous year's maintenance records shall
25 accompany the application.

26 ~~(e)~~(f) The following documents shall accompany a grant application:

- 27 (1) A a contract verification form showing an agreement between the fire department and a county for
28 the fire department to provide fire protection to a district;
- 29 (2) A a current roster comprising a list of eligible firemen "eligible [firemen] firefighter" as defined in
30 G.S. 58-86-25; 58-86-2(6);
- 31 (3) A a statement verifying the population that the fire department serves;
- 32 (4) A a financial statement of the fire department; and
- 33 (5) A a statement verifying that the fire department is financially able to match the grant. grant in
34 accordance with G.S. 58-87-1(a1)(2).

35 ~~(f)~~(g) Statements that there are no overdue taxes, conflict of interest statements as defined in G.S. 143C-6-23(b),
36 payment agreements, and equipment invoices shall be received by ~~the Division OSFM~~ no later than September 30
37 following the announcement of grant recipients. Departments Fire departments submitting incorrect invoices, such as

1 sales orders, acknowledgements, and packing slips, on or before September 30 shall be contacted by ~~the Division~~
2 OSFM and given 10 business days to submit correct documents. The failure of any fire department to comply shall
3 result in the fire department forfeiting its eligibility for a grant from the Fund. Equipment or capital improvements
4 that are ordered by a fire department before May 15 or equipment that is back-ordered by a vendor for a fire department
5 or equipment not received by a fire department on or before September 30 shall not be funded by grants from the
6 Fund.

7 h) OSFM may extend the September 30 deadline for invoice submission for the following:

- 8 (1) new fire apparatus;
- 9 (2) self contained breathing apparatus;
- 10 (3) firefighter turnout gear;
- 11 (4) capital improvements; or
- 12 (5) specialized equipment.

13 (i) A 30 day extension, until October 30, may be authorized for protective clothing. A letter requesting the extension
14 shall be received by September 30.

15 (j)(i)(h) Equipment purchased with grants ~~is~~ shall be subject to inspection by ~~Division~~ OSFM personnel.

16
17 History Note: Authority G.S. 58-2-40(1); 58-36-10(3); 58-87-1; 58-87-7; 143C-6-23(b);

18 *Eff. February 1, 1993;*

19 *Amended Eff. January 1, 2017; September 1, 2010; January 1, 2007.*

1 11 NCAC 05A .0604 is amended as published in 31.04 NCR 287 as follows:

2 **11 NCAC 05A .0604 OTHER GRANT CRITERIA**

3 In addition to criteria in G.S. 58-87-1, in awarding grants ~~the Division~~ **[OSFM]**, ~~the Commissioner of Insurance~~ shall consider
4 the following criteria in relation to each **fire** department:

5 (1) number of paid personnel;

6 ~~(2)~~ **(2)** personnel salary paid by the unit or the city or county;

7 ~~(1)~~~~(2)~~**(3)** number and age of vehicles;

8 ~~(2)~~~~(3)~~**(4)** population served; county population density;

9 ~~(3)~~~~(4)~~**(5)** county per capita income;

10 ~~(4)~~~~(5)~~**(6)** source of **fire** department ~~funding~~; funding, including the following funding sources for the last
11 fiscal year:

12 (a) city or county funding;

13 (b) fire tax;

14 (c) sales tax;

15 (d) contracted services;

16 (e) revenue from EMS billing;

17 (f) fund ~~raising~~ **raising**;

18 (g) donations; and

19 (h) revenue from ~~non-OSFM~~ **non-OSFM** grants.

20 ~~(5)~~**(6)** ~~money on hand~~; cash balance as of the beginning of current fiscal year;

21 ~~(6)~~**(7)** protective equipment requested;

22 ~~(7)~~**(8)** miscellaneous equipment requested;

23 ~~(8)~~**(9)** vehicles requested;

24 ~~(9)~~**(10)** capital improvements requested; and

25 ~~(10)~~**(11)** current fire insurance rating.

26
27 *History Note: Authority G.S. 58-2-40(1); 58-87-1;*

28 *Eff. February 1, 1993;*

29 **Amended Eff. January 1, 2017;**

1 11 NCAC 05A .0701 is amended as published in 31.04 NCR 287-288 as follows:

2 **SECTION .0700 - VOLUNTEER RESCUE/EMS FUND**

3 **1**

4 **11 NCAC 05A .0701 DEFINITIONS**

5 As used in this section:

6 (1) ~~"Division" means the Fire and Rescue Services Division of the North Carolina Department of~~
7 ~~Insurance.~~ "Office of State Fire Marshal" or "OSFM" means the Office of State Fire Marshal
8 of the North Carolina Department of Insurance.

9 (2) "Fund" means the Volunteer Rescue/EMS Fund created in G.S. 58-87-5.

10 (3) "Unit" means a volunteer rescue unit, ~~[or] a rescue/EMS [unit] unit, or an EMS unit [that has been]~~
11 ~~recognized by OSFM [as a rescue unit, a rescue/EMS unit, or an EMS unit and is based]~~ situated in
12 the State of North Carolina. in accordance with G.S. 58-87-5(b)(3).

13
14 *History Note:* Authority G.S.58-2-40(1); 58-87-5;
15 Eff. February 1, 1993;
16 Amended Eff. January 1, 2017;
17

1 11 NCAC 05A .0702 is amended as published in 31.04 NCR 288 as follows:

2 **11 NCAC 05A .0702 ALS CERTIFICATION**

3 If a unit is ~~actively~~ working with the Office of Emergency Medical Services (OEMS) to obtain its Advanced Life
4 Support (ALS) certification as of October 1, that unit may apply for a grant. In order to receive a grant, the unit ~~must~~
5 shall obtain its ALS certification from OEMS within 60 days after ~~the Division~~ OSFM has determined that the unit has
6 otherwise satisfied the requirements in G.S. 58-87-5 and the Rules in this Section.

7

8 *History Note: Authority G.S. 58-2-40(1); 58-87-5;*

9 *Eff. February 1, 1993.*

10 *Amended Eff. January 1, 2017.*

11

1 11 NCAC 05A .0703 11 NCAC 05A .0703 is amended as published in 31.04 NCR 288 as follows:

2 11 NCAC 05A .0703 REQUIREMENTS FOR UNITS REQUIRED TO MATCH GRANTS

3 (a) The Volunteer Rescue/EMS Fund online application forms for requesting grants for equipment purchases and
4 capital expenditures, shall be made available by ~~the Division OSFM~~ to all fire departments registered with ~~Division~~ and
5 approved by ~~the Division OSFM~~ by the first business day of August of each year. . ~~[This]~~ The application [will] shall
6 be on a form as prescribed by the [Commissioner] Commissioner. [and will contain information to determine grant
7 eligibility and score.]

8 (b) Online Applications~~applications~~ shall be submitted to ~~the Division OSFM~~ and be ~~postmarked or~~
9 electronic date stamped no later than October 1. Applications bearing ~~postmarks or~~ electronic date stamps later than
10 October 1 ~~[are]~~ shall be disqualified. ~~[The names of the grant recipients shall be announced on December 15. If~~
11 ~~December 15 falls on a weekend, the announcement shall be made on the following Monday.]~~

12 (c) Any application received by ~~the Division OSFM~~ that is incorrect or incomplete shall be returned to the unit with a
13 request that the correct or complete information be sent to ~~the Division OSFM~~ within 10 business days after receipt by
14 the unit. The failure by the unit to return the requested correct or complete information shall result in the forfeiture by
15 the unit of its eligibility for a grant during that grant cycle.

16 (d) Any department that is currently on the North Carolina Department of Insurance Noncompliance list or Office of
17 State Budget and Management Suspension of Funding List for Non State Entities at <http://www.osbm.state.nc.us/>
18 shall be ineligible to participate in the Volunteer Rescue/EMS fund grant program. If a department is awarded a grant
19 and becomes ineligible to receive funding due to being noncompliant with the requirements in this section, the grant
20 shall be forfeited after 10 business days of notification of noncompliance from OSFM. A department that provides
21 false application information shall be ineligible for the following two grant cycles and shall forfeit any grant award
22 already awarded during the current cycle.

23 ~~(d)(e)~~ If the application includes a request for a motor vehicle, the vehicle specifications shall accompany the
24 application. and, if used, If a used vehicle is requested, then the [vehicle's] previous year's maintenance records shall
25 accompany the application

26 ~~(e)(f)~~ The following documents shall accompany a grant application;

- 27 (1) [A] a Rescue Provider Statement showing that a county recognizes the unit as providing rescue
28 or rescue/EMS services to a specified district. As used in this Subparagraph, "rescue provider
29 statement" means a statement, signed by representatives of a unit and the county in which the
30 rescue or rescue/EMS services are provided, that the unit provides rescue or rescue/EMS services
31 within the county;
- 32 (2) [A] a current roster of unit members;
- 33 (3) [A] a verifying that the unit is financially able to match the amount of the [grant]; in
34 accordance with 58-87-5(a)(2); and
- 35 (4) [A] a financial statement of the unit.

36 ~~(f)(g)~~ Statements that there are no overdue taxes, conflict of interest statements as defined in G.S. 143C-6-23(b),
37 payment agreements, and equipment invoices shall be received by ~~the Division OSFM~~ no later than April 30. Units

1 submitting incorrect invoices, such as sales orders, acknowledgements, and packing slips, before April 30 shall be
2 contacted by ~~the Division~~ OSFM and given 10 business days to submit the correct documents. The failure of any unit
3 to comply shall result in the unit forfeiting its eligibility for a grant from the Fund. Equipment or capital
4 improvements that are ordered by a unit before December 15 or equipment that is back-ordered by a vendor for a
5 unit or equipment not received by a unit on or before April 30 shall not be funded by grants from the Fund.

6 (h) OSFM may extend the April 30 deadline for invoice submission for the following:

- 7 (1) new vehicles;
- 8 (2) self-contained breathing apparatus;
- 9 (3) firefighter turnout gear;
- 10 (4) capital improvements; and
- 11 (5) specialized equipment.

12 (i) A 30 day extension, until October 30, may be authorized for protective clothing. A letter requesting the extension
13 shall be received by September 30.

14 (j)(i)(h) Equipment purchased with grants ~~is~~ shall be subject to inspection by ~~Division~~ OSFM personnel.

15
16 *History Note:* Authority G.S. 58-2-40(1); 58-87-5; 58-87-7; 143C-6-23(b);
17 Eff. February 1, 1993;
18 Amended Eff. January 1, 2017; September 1, 2010; January 1, 2007.

1 11 NCAC 05A .0704 is amended as published in 31.04 NCR 288 as follows:

2 **11 NCAC 05A .0704 REQUIREMENTS FOR UNITS NOT REQUIRED TO MATCH GRANTS**

3 Units that are not required to match funds ~~must~~shall comply with 11 NCAC 5A .0703 except for Subparagraph ~~(f)(4)~~
4 ~~(f)(3)~~ of that Rule, which requires the filing of a statement verifying that a unit is financially able to match a grant.

5

6 *History Note: Authority G.S. 58-2-40(1); 58-87-5;*

7 *Eff. February 1, 1993;*

8 *Amended Eff. January 1, 2017*

9

10

1 11 NCAC 05A .0705 is amended as published in 31.04 NCR 288-289 as follows:

2 **11 NCAC 05A .0705 OTHER GRANT CRITERIA**

3 In addition to criteria in G.S. 58-87-5 and other Rules in this Section, in awarding grants ~~the Division~~ OSFM shall consider
4 the following criteria in relation to each unit:

- 5 (1) number of paid personnel;
- 6 (2) personnel salary paid by the unit or the city or county;
- 7 (3) number and age of vehicles;
- 8 (4) county population density
- 9 ~~(4)(5)~~ county per capita income;
- 10 ~~(5)(6)~~ unit funding sources; sources including the following funding sources for the last fiscal year:
 - 11 a. city or county funding;
 - 12 b. fire tax;
 - 13 c. sales tax;
 - 14 d. contracted services;
 - 15 e. revenue from EMS billing;
 - 16 f. fund raising;
 - 17 g. donations; and
 - 18 h. revenue from ~~non-OSFM~~ non-OSFM grants;
- 19 ~~(6)(7)~~ money on hand; cash balance as of the beginning of current fiscal year;
- 20 ~~(7)(8)~~ protective equipment requested;
- 21 ~~(8)(9)~~ miscellaneous equipment requested;
- 22 ~~(9)(10)~~ capital improvements requested; and
- 23 ~~(10)(11)~~ vehicles requested.

24

25 *History Note:* Authority G.S. 58-2-40(1); 58-87-5;

26 Eff. February 1, 1993.

27 Amended Eff. January 1, 2017.

28

29