

AMENDED IN ASSEMBLY MARCH 22, 2018

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 2380

Introduced by Assembly Member Aguiar-Curry

February 14, 2018

An act to ~~amend Section 13050~~ *add Part 4.5 (commencing with Section 14865) to Division 12 of the Health and Safety Code, relating to fire protection.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, as amended, Aguiar-Curry. Fire protection: ~~fire equipment.~~ *privately contracted private fire prevention resources.*

Existing law provides that fire companies in unincorporated and incorporated towns may be organized, as provided, and be subject to specified provisions and requirements. Existing law provides that the city council of an incorporated city may, by ordinance, regulate the formation and continued existence of fire companies providing service within its city. Existing law establishes in state government, within the office of the Governor, the Office of Emergency Services. Existing law requires the office to be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would require the office, in collaboration with the Department of Forestry and Fire Protection, to develop standards and regulations for any privately contracted private fire prevention resources operating in the state, and to develop regulations to govern the use of equipment used by privately contracted private fire prevention

resources, as provided. The bill would authorize the office to levy a fine not to exceed \$5,000 for any violation of the above provisions or regulations adopted thereto, as provided.

~~Existing law authorizes the apparatus, equipment, and firefighting force of any public entity to be used for the purpose of providing fire protection or firefighting services, as provided.~~

~~This bill would make nonsubstantive changes to this law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

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

3

4 PART 4.5. USE OF PRIVATELY CONTRACTED PRIVATE FIRE
5 PREVENTION RESOURCES

6

7 14865. It is the intent of the Legislature to provide for the
8 highest level of safety for firefighters and the communities they
9 protect by regulating the use of privately contracted private fire
10 prevention resources. Nothing in this part shall be construed or
11 otherwise interpreted to authorize public agencies to contract for
12 firefighting services or other first response services. The
13 Legislature finds and declares that firefighting and fire protection
14 services are a municipal function and a public good to be provided
15 by public agencies and their employees.

16 14866. For purposes of this part, the following terms have the
17 following meanings:

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

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

22 14867. (a) The office, in collaboration with the department,
23 shall develop standards and regulations for any privately
24 contracted private fire prevention resources operating in
25 California.

26 (b) (1) In developing standards and regulations, the office shall
27 consider private resource utilization guidelines developed by the

1 *FIRESCOPE Program, pursuant to Chapter 3 (commencing with*
2 *Section 13070) of Part 1.*

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

5 *(A) A privately contracted private fire prevention resource shall*
6 *heed all evacuation warnings and leave the evacuation area when*
7 *prompted.*

8 *(B) A privately contracted private fire prevention resource shall*
9 *register with incident command or the local fire department before*
10 *entering an area.*

11 *(C) A privately contracted private fire prevention resource shall*
12 *be equipped with Global Positioning System (GPS) tracking device*
13 *so incident command can locate the resource in the event of an*
14 *evacuation.*

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

19 *(E) (i) A privately contracted private fire prevention resource*
20 *shall monitor incident command radio frequencies.*

21 *(ii) The regulations shall include a prohibition on a privately*
22 *contracted private fire prevention resource from communicating*
23 *on incident command radio frequencies.*

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

29 *14868. (a) The office, in collaboration with the department,*
30 *shall develop regulations to govern the use of equipment used by*
31 *privately contracted private fire prevention resources. The*
32 *regulations shall include, but not be limited to, the following:*

33 *(1) All equipment shall be clearly labeled nonemergency.*

34 *(2) Emergency vehicles shall not use lights or sirens.*

35 *(3) Emergency vehicles shall not have any labeling that indicates*
36 *emergency personnel or fire department.*

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

1 14869. (a) For any violation of this part or regulations adopted
2 pursuant to this part, the office may, after appropriate notice and
3 opportunity for hearing, by administrative order, levy a fine not
4 to exceed five thousand dollars (\$5,000) per violation. Fines
5 received pursuant to this section shall be deposited into the General
6 Fund.

7 (b) The office shall adopt regulations establishing procedures
8 for notices, appeals, and hearings.

9 SECTION 1. Section 13050 of the Health and Safety Code is
10 amended to read:

11 13050. ~~The apparatus, equipment, and firefighting force of a~~
12 ~~public entity may be used for the purpose of providing fire~~
13 ~~protection or firefighting services as follows:~~

14 (a) ~~In any other public entity with the consent of the chief~~
15 ~~administrative officer of the office or the department authorized~~
16 ~~by law to provide fire protection in the other public entity.~~

17 (b) ~~Outside the limits of a public entity.~~