

FIREFIGHTERS TRAINING COUNCIL ACT (EXCERPT)
Act 291 of 1966

***** 29.362.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 6, 2020 *****

29.362.amended Definitions.

Sec. 2. As used in this act:

(a) "Airport rescue firefighter" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1003 and meets the requirements of the Federal Aviation Administration under 14 CFR part 139, whose job description, duties, or responsibilities include responding to an aircraft accident.

(b) "Certificate" means a numbered document issued by the state fire marshal to a person who has obtained certification under this act.

(c) "Certification" means either of the following:

(i) A determination by the state fire marshal that a person meets the certification requirements for a position within the fire service, as established by the council under this act. Recognized positions in the fire service include, but are not limited to, firefighter, fire chief, public safety director, fire inspector, plans examiner, fire investigator, fire officer, hazardous materials responder, technical rescue responder, airport rescue firefighter, and fire service instructor. Certifications for each position within the fire service must comply with the Michigan occupational safety and health administration general industry safety standard, R 408.17411 of the Michigan Administrative Code.

(ii) A determination by the state fire marshal that a person was employed as a firefighter before October 1, 1988 and that the person is otherwise authorized under this act to be employed as a firefighter.

(d) "Contested case" means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.

(e) "Council" means the firefighters training council created under section 3.

(f) "Executive secretary" means the executive secretary of the council.

(g) "Felony" means a violation of the laws of this state, another state, or the United States that is designated as a felony.

(h) "Firefighter" means a member of an organized fire department or public safety department who is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the directing or management of emergency response activities, fire safety prevention inspection, plans examination, fire investigation, hazardous materials response, technical rescue response, airport rescue response, airport rescue firefighting, fire service instruction, and the enforcement of the general fire laws of this state and the community where he or she serves.

(i) "Firefighter training" means an education or training program including a program eligible to receive funding from the fireworks safety fund created in section 11 of the Michigan fireworks safety act, 2011 PA 256, MCL 28.461, and other training programs as approved by the state fire marshal, designed and intended to enhance the ability of an organized fire department or public safety department and the personnel of an organized fire department or public safety department to safeguard life and property from damage from explosion, fire, or disaster, and to deliver fire suppression, emergency medical service, hazardous material response, technical rescue, airport rescue and firefighting, fire inspection, fire investigation, fire safety education, and other related fire services.

(j) "Fire chief" means the individual who serves as the administrative head of an organized fire department.

(k) "Fire inspector" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department whose job description, duties, or responsibilities include, or who is in a capacity that includes responsibility for, inspecting property for fire code violations and enforcing the general fire codes of the jurisdiction that he or she serves.

(l) "Fire instructor" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department, or other individual who is certified to instruct 1 or more council-approved fire service training programs.

(m) "Fire investigator" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1033, whose job description, duties, or responsibilities include investigating the origin and cause of fires, and who has obtained the skills and knowledge necessary to conduct, coordinate, and complete a fire investigation. Fire investigator does not include a fire investigator who is employed by a law enforcement agency as that term is defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602, other than a public safety department, or a professional investigator

licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851.

(n) "Fire officer" means a current member of an organized fire department or public safety department assigned a rank above firefighter who is responsible for, or is in a capacity that includes responsibility for, performing supervisory or management responsibilities of an emergency or nonemergency nature within his or her organized fire department or public safety department. Fire officer includes titles such as sergeant, lieutenant, captain, and chief officer.

(o) "Fire service" means the engaging in the directing or management of emergency response activities, fire safety prevention inspection, plans examination, fire investigation, hazardous material response, technical rescue response, airport rescue response, airport rescue firefighting, fire service instruction, and the enforcement of the general fire laws of this state and the communities therein by fire service members and organized fire departments and public safety departments.

(p) "Fire service course" means a training course or activity that is approved by the council and meets the standard for firefighter training in subdivision (i).

(q) "Fire service discipline" means each of the respective certifiable fire service positions included under this act. Fire service discipline includes fire chief, fire inspector, fire instructor, fire investigator, fire officer, public safety director, plans examiner, firefighter, hazardous materials responder, technical rescue responder, and airport rescue firefighter.

(r) "Fire service member" or "member" means a person described in subdivision (a), (h), (j), (k), (l), (m), (n), (u), (aa), (dd), (ff), or (ii).

(s) "Full-time" means employment during which an individual works scheduled shifts, is paid for all hours he or she works, and works sufficient hours weekly to be classified as a full-time employee by the applicable employing political subdivision.

(t) "Hazardous materials" means any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any chemical substance, compound, mixture, or material defined as, designated as, or listed as hazardous under federal or state law or regulations.

(u) "Hazardous materials responder" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1072 and who is trained to or whose responsibilities include, responding to and being actively involved with the mitigation of a hazardous materials incident including a weapon of mass destruction event.

(v) "Hazardous materials response" means any response to an event involving any chemical, substance, compound, mixture, or other material defined as, designated as, listed as, or having the same characteristics as any substance, compound, mixture, or material defined as, designated as, or listed as hazardous under federal or state law or regulation.

(w) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(x) "Paid on-call" means employment during which an individual works on an on-call basis, is paid for all hours he or she works, and only occasionally works scheduled shifts.

(y) "Part-time" means employment during which an individual is paid for all hours he or she works and works scheduled shifts but works fewer hours weekly than the hours necessary to be classified as a full-time employee by the applicable employing political subdivision.

(z) "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance.

(aa) "Plans examiner" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1031 and whose job description, duties, or responsibilities include conducting plan reviews of construction documents for compliance with the general fire codes of the community that he or she serves.

(bb) "Political subdivision" means a county, municipality, school district, or any other local governmental unit, agency, body, board, or commission but does not include a state department, board, commission, or agency of state government.

(cc) "Public safety department" means a department of a political subdivision providing both law enforcement and fire services either separately or utilizing a combined response force with personnel trained and certified as both firefighters under this act and law enforcement officers under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, under the direction and administration of a single director.

(dd) "Public safety director" means the individual who serves as the administrative head of a public safety department.

(ee) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL

24.201 to 24.328.

(ff) "Technical rescue responder" means an employee of or volunteer assigned by a political subdivision to assist an organized fire department or public safety department who is certified under National Fire Protection Association standard no. 1006 and who has received training in the application of special knowledge, skills, and equipment to safely resolve unique and complex rescue situations.

(gg) "Technical rescue response" means those aspects of saving life or property that employ the use of tools and skills that exceed those normally reserved for firefighting, medical emergency, and rescue. These disciplines include, but are not limited to, rope rescue, confined space rescue, trench and excavation rescue, and building collapse rescue.

(hh) "Volunteer" means appointment or employment for which an individual receives no compensation for work provided, or appointment or employment for which an individual receives compensation in the form of reasonable expenses incurred during the course of his or her appointment or employment or other reasonable benefits, including, but not limited to, length of service awards or nominal fees.

(ii) "Volunteer firefighter" or "paid on-call firefighter" means an individual who is charged with the prevention or suppression of fires and who is directly engaged in the hazards of firefighting or in charge of a designated fire company or companies that are directly engaged in the hazards of firefighting on a volunteer or paid on-call basis. Volunteer or paid on-call firefighter does not include a full-time firefighter.

History: 1966, Act 291, Eff. Jan. 1, 1968;—Am. 1987, Act 196, Eff. Oct. 1, 1988;—Am. 2006, Act 213, Imd. Eff. June 19, 2006;—Am. 2016, Act 405, Eff. Apr. 3, 2017;—Am. 2017, Act 144, Eff. Jan. 31, 2018;—Am. 2020, Act 133, Eff. Oct. 6, 2020.

Compiler's note: For transfer of powers and duties of fire fighters training council from department of state police to department of labor and economic growth by Type I transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of department of state police, and its director, from the department of state police to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.