

**95A.040 Powers of commission -- Firefighter physical agility test -- Administrative regulations.**

- (1) The commission shall make full and complete studies, recommendations and reports to the Governor, the Kentucky Community and Technical College System, and the Legislature for the purpose of establishing:
  - (a) Minimum standards and education of fire protection personnel appointed to positions in municipal fire departments, who are to be engaged in fire protection to include fire suppression, fire prevention, arson investigation, and other allied fields;
  - (b) Basic minimum courses of training for fire protection personnel;
  - (c) Procedure for the certification of fire protection personnel and the certification of fire protection instructors; and
  - (d) Administrative regulations to require that each volunteer firefighter be able to read, write and understand the English language, is a person of sobriety and integrity, is and has been an orderly, law-abiding citizen, is a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, and has reached the age of eighteen (18).
- (2)
  - (a) The commission shall establish by administrative regulation a candidate physical agility test to be administered to all candidates for professional firefighter positions. For the provisions of this section, "professional firefighter" shall include any paid firefighter who is a member of a:
    1. Municipal fire department organized under KRS Chapter 95;
    2. Fire protection district organized under KRS Chapter 75;
    3. County fire department created pursuant to KRS Chapter 67;
    4. Fire department under the jurisdiction of a consolidated local government;
    5. Fire department under the jurisdiction of a charter county government;
    6. Fire department under the jurisdiction of an urban-county government;
    7. Fire department under the jurisdiction of a unified local government; or
    8. Fire department created under KRS Chapter 273.
  - (b) The candidate physical agility test shall establish uniform standards of the physical abilities required for all firefighter candidates. The candidate physical agility test shall be required for all firefighter candidates hired on or after January 1, 2013.
  - (c) After June 25, 2009, the commission shall establish procedures for individual firefighter candidates to voluntarily take the candidate physical agility test. The commission shall also establish procedures for fire departments listed under paragraph (a) of this subsection to voluntarily require firefighter candidates hired by them to have successfully completed the candidate physical agility test. The procedures in this paragraph shall be established by administrative regulation.
  - (d) The candidate physical agility test shall be designed to assess a candidate's ability to handle the physical demands of fighting fires and shall include

exercises that simulate the most common tasks involved in fire suppression. These exercises shall include but are not limited to stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, ceiling breach, and pull.

- (e) The commission may establish a fee to be charged to candidates participating in the candidate physical agility test. The fee shall be no greater than an amount specified by the commission to cover the costs of implementing and administering the candidate physical agility test.
  - (f) The commission shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to establish and implement the candidate physical agility test and to carry out any other responsibility assigned by this section. The administrative regulations shall be promulgated no later than October 1, 2009.
- (3) The commission shall have the authority to:
- (a) Certify fire protection training and education programs as having attained the minimum required standards suggested by such commission;
  - (b) Certify instructors as having qualified as fire protection instructors under such conditions as the commission may prescribe;
  - (c) Direct research in the field of fire protection and accept gifts and grants for such purposes; and
  - (d) Recommend curricula for advanced courses and seminars in fire science training in colleges and institutions of higher education.
- (4) The commission shall have authority to receive and, to the extent required by federal law, to disburse all grants and funds from the federal government for the purpose of fire protection personnel training and education. Except as otherwise provided by law, the commission shall administer all state programs and all state and federally funded grant programs related to fire protection personnel training and education.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 41, sec. 1, effective June 25, 2009. -- Amended 2008 Ky. Acts ch. 77, sec. 2, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 270, sec. 2, effective July 14, 2000; and ch. 386, sec. 1, effective July 14, 2000. -- Amended 1974 Ky. Acts ch. 170, sec. 2. -- Created 1970 Ky. Acts ch. 171, secs. 3 and 7.