

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 363

Short Title: Establish Independent State Fire Marshal. (Public)

Sponsors: Senators Perry, Britt, and Craven (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN INDEPENDENT OFFICE OF THE STATE FIRE MARSHAL
3 WITHIN THE DEPARTMENT OF INSURANCE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 58 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 78A.

8 "Office of the State Fire Marshal.

9 **"§ 58-78A-1. Office of the State Fire Marshal.**

10 (a) The Office of the State Fire Marshal is created within the Department of Insurance
11 and that office may exercise its prescribed duties independently of the Department. The
12 Commissioner shall provide general administrative support to the Office of the State Fire
13 Marshal.

14 (b) The "State Fire Marshal," as used in this Article and elsewhere in the General Statutes,
15 shall be the head of the Office of the State Fire Marshal and shall be a person appointed by the
16 Commissioner by and with the consent of the Senate. The State Fire Marshal shall be a person
17 other than the Commissioner and shall serve a three-year term. If a vacancy arises or exists
18 pursuant to this subsection when the General Assembly is not in session, the Commissioner may
19 appoint a State Fire Marshal to serve on an interim basis pending confirmation by the Senate. For
20 the purposes of this subsection, the General Assembly is not in session only (i) prior to convening
21 of the Regular Session, (ii) during any adjournment of the Regular Session for more than 10 days,
22 and (iii) after sine die adjournment of the Regular Session."

23 **SECTION 2.** G.S. 58-80-1 reads as rewritten:

24 **"§ 58-80-1. Purpose of Article; meaning of "State Fire Marshal".**

25 The purpose of this Article shall be the creation of a State Volunteer Fire Department to
26 provide protection for property lying outside the boundaries of municipalities, and to render
27 assistance anywhere within the State of North Carolina, in municipalities or counties, in
28 emergencies caused by fire, floods, tornadoes, or otherwise, in the manner and subject to the
29 conditions provided in this Article. ~~As used in this Article and elsewhere in the General Statutes,~~
30 ~~"State Fire Marshal" means the Commissioner of Insurance of the State of North Carolina."~~

31 **SECTION 3.** G.S. 14-410(c)(3) reads as rewritten:

32 "(3) State Fire Marshal. – Defined in ~~G.S. 58-80-1.~~ G.S. 58-78A-1."

33 **SECTION 4.** Notwithstanding G.S. 58-78A-1, as established by this act, the
34 Commissioner of the Department of Insurance shall serve as the State Fire Marshal until the
35 Senate confirms an independent State Fire Marshal pursuant to this act.

36 **SECTION 5.** This act becomes effective January 1, 2024.

