



## Senate

General Assembly

**File No. 97**

February Session, 2002

Substitute Senate Bill No. 390

*Senate, March 21, 2002*

The Committee on Public Safety reported through SEN. PENN of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING MODIFICATIONS AND EXEMPTIONS FROM THE STATE BUILDING CODE AND THE FIRE SAFETY CODE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) (a) The State Building  
2 Inspector and the Codes and Standards Committee, in conjunction  
3 with the Commissioner of Public Safety, shall, not later than three  
4 months after the effective date of this section, create a list of  
5 exemptions from the State Building Code and the Fire Safety Code.  
6 Any exemption granted five or more times in the last calendar year  
7 shall be included upon such list.

8 (b) Not later than six months after the effective date of this section,  
9 the Commissioner of Public Safety shall, within available  
10 appropriations, (1) send the list created pursuant to subsection (a) of  
11 this section to all local building officials and fire marshals, (2) take  
12 appropriate actions to publicize such list, and (3) educate building  
13 officials, fire marshals and the public on how to use the list.

14 Sec. 2. Subsection (b) of section 29-254 of the general statutes is  
15 repealed and the following is substituted in lieu thereof (*Effective*  
16 *October 1, 2002*):

17 (b) The State Building Inspector may grant variations or exemptions  
18 from, or approve equivalent or alternate compliance with the State  
19 Building Code where strict compliance with the code would entail  
20 practical difficulty or unnecessary hardship, or is otherwise adjudged  
21 unwarranted, provided that the intent of the law shall be observed and  
22 public welfare and safety be assured. [Applications for a modification  
23 of the State Building Code] Any application for a variation, exemption  
24 or modification received by a local building official shall be forwarded  
25 to the State Building Inspector by first class mail within fifteen  
26 business days of receipt by such local building official and shall be  
27 accompanied by a letter from [the] such local building official [,  
28 including] that shall include comments on the merits of the  
29 application. Any such determination by the State Building Inspector  
30 shall be in writing. Any person aggrieved by any decision of the State  
31 Building Inspector may appeal to the Codes and Standards Committee  
32 within fourteen days after mailing of the decision. Any person  
33 aggrieved by any ruling of the Codes and Standards Committee may  
34 appeal to the superior court for the judicial district wherein the  
35 premises concerned are located.

36 Sec. 3. Section 29-296 of the general statutes is repealed and the  
37 following is substituted in lieu thereof (*Effective October 1, 2002*):

38 The State Fire Marshal may grant variations or exemptions from, or  
39 approve equivalent or alternate compliance with, particular provisions  
40 of any regulation issued under the provisions of section 29-292 where  
41 strict compliance with such provisions would entail practical difficulty  
42 or unnecessary hardship, or is otherwise adjudged unwarranted,  
43 provided any such variation or exemption or approved equivalent or  
44 alternate compliance shall, in the opinion of the State Fire Marshal,  
45 secure the public safety. Any application for a variation, exemption or  
46 modification received by a local fire marshal shall be forwarded to the

47 State Fire Marshal by first class mail within fifteen business days of  
 48 receipt by such local fire marshal and shall be accompanied by a letter  
 49 from such local fire marshal that shall include comments on the merits  
 50 of the application.

This act shall take effect as follows:	
Section 1	October 1, 2002
Sec. 2	October 1, 2002
Sec. 3	October 1, 2002

**Statement of Legislative Commissioners:**

The language in former subsection (c) of section 1 of the bill was inserted in sections 29-254 and 29-296 of the general statutes, sections 2 and 3, for accuracy and consistency with the general statutes.

**PS**            *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Public Safety, Dept.	Minimal	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill would not result in additional costs to the Office of the State Building Inspector (OSBI) within the Department of Public Safety. It is anticipated that the development, publication and distribution of the exemption lists would be done within existing resources. Local building and fire officials may be required to attend additional classes to be educated on updated lists. These classes are coordinated and provided by the staff of OBSI and the State Fire Marshal and are offered free of charge.

**OLR Bill Analysis**

SB 390

***AN ACT ESTABLISHING A LIST OF EXEMPTIONS FROM THE STATE BUILDING CODE AND THE FIRE SAFETY CODE*****SUMMARY:**

This bill requires the state building inspector and state Codes and Standards Committee, in conjunction with the public safety commissioner, to create a list of exemptions from the state building and fire safety codes by January 1, 2003. The list must include any exemption granted more than four times in the last calendar year.

By April 1, 2003, the bill requires the commissioner, within available appropriations, to take appropriate actions to publicize the list; send it to local building officials and fire marshals; and educate building officials, fire marshals, and the public on how to use it.

The bill gives local building officials 15 business days to send to the state building inspector, by first class mail, applications people submit for building code exemptions, modifications, or variations, and their comments on the merits of the requests.

In a process paralleling that for building code applications, the bill conforms the law to practice by requiring local fire marshals to send to the state fire marshal applications for fire code modifications, variations, or exemptions, and comments on the merits of the applications. It requires the fire marshal to send the applications to the state fire marshal, by first class mail, within 15 business days of getting them.

By law, the state building inspector and state fire marshal may grant code exemptions, modifications, and variations where strict compliance is considered unwarranted or would entail practical difficulty or unnecessary hardship.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Public Safety Committee

Joint Favorable Report  
Yea 22 Nay 0