



Substitute House Bill No. 7115

Public Act No. 07-84

AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL.

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

Section 1. Section 29-291a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The State Fire Marshal, in coordination with the advisory committee established under subsection (b) of this section, shall adopt and administer a state Fire Prevention Code based on a nationally recognized fire prevention code. Said code shall be used to enhance the enforcement capabilities of local fire marshals and for the purposes of prevention of fire and other related emergencies. Said code shall be adopted not later than [January 1, 2005] October 1, 2008, and shall be revised thereafter as deemed necessary to incorporate any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions.

(b) There is established an advisory committee consisting of nine persons appointed by the State Fire Marshal. The State Fire Marshal shall appoint two members selected from a list of individuals submitted by the Codes and Standards Committee from the membership of said committee and seven members representing local

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fire marshals, deputy fire marshals and fire inspectors selected from a list of individuals submitted by the Connecticut Fire Marshals Association.

Sec. 2. Subsection (a) of section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) The State Fire Marshal and the Codes and Standards Committee, acting jointly shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other classes of inspectors and investigators as they deem necessary. The State Fire Marshal and the Codes and Standards Committee shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified and eligible to be certified, or (2) accept successful completion of programs of training developed by public agencies and approved by him as proof of qualification for certification eligibility, or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3), the State Fire Marshal and the Codes and Standards Committee shall issue or cause to be issued a certificate to such person stating that he is eligible to be certified. The State Fire Marshal and the Codes and Standards Committee shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other inspectors or investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3). On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if he fails to maintain his certification. The State Fire Marshal and the Codes and Standards Committee shall

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conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of not less than ninety hours of training over a three-year period. The State Fire Marshal and the Codes and Standards Committee shall establish the minimum hours of training for the other classes of inspectors and investigators, which shall recognize the varying involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training and present proof of successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof. Any appointed local fire marshal, deputy fire marshal or other inspector or investigator who wishes to retire his or her certificate may apply to the State Fire Marshal and the Codes and Standards Committee to have such certificate retired and be issued a certificate of emeritus. Such retired local fire official may no longer hold himself or herself out as a certified local fire official.

Sec. 3. Section 29-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The fire chief [of] or local fire marshal with jurisdiction over a town, city, borough or fire district, [within five days of the occurrence of any fire or explosion within his jurisdiction, shall furnish the local fire marshal, and the local fire marshal, within ten days of such occurrence,] where a fire, or explosion or other fire emergency occurs shall furnish the State Fire Marshal [(1) a written report signed by the local fire marshal] a report of all the facts relating to its cause, its origin, the kind, the estimated value and ownership of the property

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damaged or destroyed, and such other information as [is] called for by the [blank] State Fire Marshal on forms furnished by the State Fire Marshal, or [(2) a magnetic tape containing the information specified in subdivision (1) of this section in a] in an electronic format prescribed by the State Fire Marshal. [accompanied by a written certification signed by the local fire marshal.] The fire chief or fire marshal may also submit reports regarding other significant fire department response to such fire or explosion, and such reports may be filed monthly but commencing January 1, 2008, such reports shall be filed not less than quarterly.

Sec. 4. Section 29-305 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Each local fire marshal and the State Fire Marshal, for the purpose of satisfying themselves that all pertinent statutes and regulations are complied with, may inspect in the interests of public safety all buildings and facilities of public service, all buildings and facilities used for manufacturing and all occupancies regulated by the Fire Safety Code within their respective jurisdictions. Each local fire marshal shall inspect or cause to be inspected, at least once each calendar year [and as often as may be necessary] or as often as prescribed by the State Fire Marshal pursuant to subsection (b) of this section, in the interests of public safety, all buildings and facilities of public service and all occupancies regulated by the Fire Safety Code within [his] the local fire marshal's jurisdiction, except residential buildings designed to be occupied by one or two families which shall be inspected, upon complaint or request of an owner or occupant, only for the purpose of determining whether the requirements specified in said code relative to smoke detection and warning equipment have been satisfied. Upon receipt by [him] the State Fire Marshal of information from an authentic source that any other building or facility within [his] the State Fire Marshal's jurisdiction is hazardous to life

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safety from fire, [he] the State Fire Marshal shall inspect such building or facility. In each case in which the local fire marshal conducts an inspection, [he] the local fire marshal shall [satisfy himself] be satisfied that all pertinent statutes and regulations are complied with, and shall keep a record of such investigations. Such local fire marshal or a designee shall have the right of entry [by himself or by his lawful agent] at all reasonable hours into or upon any premises within [his] the local fire marshal's jurisdiction for the performance of [his] the fire marshal's duties except that occupied dwellings and habitations, exclusive of common use passageways and rooms in tenement houses, hotels and rooming houses, may only be entered for inspections between the hours of [9] 9:00 a.m. and [5] 5:00 p.m., except in the event of any emergency requiring [his] immediate attention for safety to life, or in the interests of public safety. Each local fire marshal shall make a monthly report to the authority [from] which [he received his appointment,] appointed the local fire marshal and shall be paid for his or her services in making such inspections of buildings and facilities the compensation agreed upon with such appointing authority.

(b) The State Fire Marshal may adopt amendments to the Fire Safety Code and the Fire Prevention Code regarding requirements for the frequency of inspections of different building uses regulated by the code and set forth a schedule of inspections, except for inspections of residential buildings designed to be occupied by three or more families, that are less frequent than yearly if the interests of public safety can be met by less frequent inspections.

Sec. 5. Section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The State Fire Marshal and the Codes and Standards Committee, acting jointly shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other

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classes of inspectors and investigators as they deem necessary. The State Fire Marshal and the Codes and Standards Committee shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified and eligible to be certified or (2) accept successful completion of programs of training developed by public agencies and approved by him as proof of qualification for certification eligibility or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3), the State Fire Marshal and the Codes and Standards Committee shall issue or cause to be issued a certificate to such person stating that he is eligible to be certified. The State Fire Marshal and the Codes and Standards Committee shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other inspectors or investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3). On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if he fails to maintain his certification. The State Fire Marshal and the Codes and Standards Committee shall conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of not less than ninety hours of training over a three-year period. The State Fire Marshal and the Codes and Standards Committee shall establish the minimum hours of training for the other classes of inspectors and investigators, which shall recognize the varying involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training

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and present proof of successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, and with the participation of one or more members of the Fire Marshal Training Council, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof.

(b) No local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator acting for a local fire marshal, who is charged with the enforcement of the Fire Safety Code and this chapter, may be held personally liable for any damage to persons or property that may result from any action that is required or permitted in the discharge of his official duties while acting for a municipality or fire district. Any legal proceeding brought against any such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator because of any such action shall be defended by such municipality or fire district. No such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator may be held responsible for or charged with the costs of any such legal proceeding. Any officer of a local fire marshal's office, if acting without malice and in good faith, shall be free from all liability for any action or omission in the performance of his official duties.

(c) Each certified deputy fire marshal, fire inspector or other inspector or investigator shall act under the direction and supervision of the local fire marshal while enforcing the Fire Safety Code and the provisions of this chapter. The local fire marshal may authorize, in writing, such deputy fire marshal or fire inspector to issue any permit or order under the provisions of this part or to certify compliance with the provisions of the Fire Safety Code, on his behalf.

Sec. 6. Section 29-298a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There shall be established within the Department of Public Safety a

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Fire Marshal Training Council which shall advise the State Fire Marshal and the Codes and Standards Committee on all matters pertaining to (1) certification training programs, (2) decertification hearings, (3) in-service training for fire marshals in the state, and (4) programs for all other persons eligible to receive training pursuant to subsections (a) to (c), inclusive, of section 29-251c. The council shall be composed of twelve members as follows: The State Fire Marshal or his designee; a member of the Codes and Standards Committee to be elected by such committee; three members appointed by the Connecticut Fire Marshals' Association, one of whom shall be a volunteer, one of whom shall be a part-time paid, and one of whom shall be a full-time, local fire marshal, deputy fire marshal or fire inspector; one member appointed by the Board of Governors of Higher Education; two members appointed by the Board of Trustees for the Community-Technical Colleges; the chief elected official of a municipality having a population in excess of seventy thousand persons, appointed by the Governor; the chief elected official of a municipality having a population of less than seventy thousand persons, appointed by the Governor; and two public members, appointed by the Governor. Members shall be residents of this state and shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. The council may elect such officers as it deems necessary.

Approved June 1, 2007