



House of Representatives

File No. 751

General Assembly

January Session, 2007

(Reprint of File No. 54)

Substitute House Bill No. 7115
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 3, 2007

AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL.

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

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 Section 29-291a of the general statutes is repealed and the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

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

13 (b) There is established an advisory committee consisting of nine
14 persons appointed by the State Fire Marshal. The State Fire Marshal
15 shall appoint two members selected from a list of individuals

16 submitted by the Codes and Standards Committee from the
17 membership of said committee and seven members representing local
18 fire marshals, deputy fire marshals and fire inspectors selected from a
19 list of individuals submitted by the Connecticut Fire Marshals
20 Association.

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22 repealed and the following is substituted in lieu thereof (*Effective*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

24 (a) The State Fire Marshal and the Codes and Standards Committee,
25 acting jointly shall adopt minimum standards of qualification for local
26 fire marshals, deputy fire marshals, fire inspectors and such other
27 classes of inspectors and investigators as they deem necessary. The
28 State Fire Marshal and the Codes and Standards Committee shall (1)
29 prepare and conduct oral, written or practical examinations to
30 determine if a person is qualified and eligible to be certified, (2)
31 accept successful completion of programs of training developed by
32 public agencies and approved by him as proof of qualification for
33 certification eligibility, or (3) prepare and conduct a training program,
34 the successful completion of which shall qualify a person to be
35 certified. Upon determination of the qualification of a local fire official
36 under subdivision (1), (2) or (3), the State Fire Marshal and the Codes
37 and Standards Committee shall issue or cause to be issued a certificate
38 to such person stating that he is eligible to be certified. The State Fire
39 Marshal and the Codes and Standards Committee shall establish
40 classes of certification that will recognize the varying involvements of
41 such local fire officials. Local fire marshals, deputy fire marshals, fire
42 inspectors and other inspectors or investigators holding office in any
43 municipality shall be certified in accordance with subdivision (1), (2) or
44 (3). On or after October 1, 1979, no local fire marshal, deputy fire
45 marshal, fire inspector or other inspector or investigator shall be
46 appointed or hired unless such person is certified and any such person
47 shall be removed from office if he fails to maintain his certification. The
48 State Fire Marshal and the Codes and Standards Committee shall
49 conduct educational programs designed to assist such local fire

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

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

72 The fire chief [of] or local fire marshal with jurisdiction over a town,
73 city, borough or fire district, [within five days of the occurrence of any
74 fire or explosion within his jurisdiction, shall furnish the local fire
75 marshal, and the local fire marshal, within ten days of such
76 occurrence,] where a fire, or explosion or other fire emergency occurs
77 shall furnish the State Fire Marshal [(1) a written report signed by the
78 local fire marshal] a report of all the facts relating to its cause, its
79 origin, the kind, the estimated value and ownership of the property
80 damaged or destroyed, and such other information as [is] called for by
81 the [blank] State Fire Marshal on forms furnished by the State Fire
82 Marshal, or [(2) a magnetic tape containing the information specified in
83 subdivision (1) of this section in a] in an electronic format prescribed

84 by the State Fire Marshal, [accompanied by a written certification
85 signed by the local fire marshal.] The fire chief or fire marshal may also
86 submit reports regarding other significant fire department response to
87 such fire or explosion, and such reports may be filed monthly but
88 commencing January 1, 2008, such reports shall be filed not less than
89 quarterly.

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

92 (a) Each local fire marshal and the State Fire Marshal, for the
93 purpose of satisfying themselves that all pertinent statutes and
94 regulations are complied with, may inspect in the interests of public
95 safety all buildings and facilities of public service, all buildings and
96 facilities used for manufacturing and all occupancies regulated by the
97 Fire Safety Code within their respective jurisdictions. Each local fire
98 marshal shall inspect or cause to be inspected, at least once each
99 calendar year [and as often as may be necessary] or as often as
100 prescribed by the State Fire Marshal pursuant to subsection (b) of this
101 section, in the interests of public safety, all buildings and facilities of
102 public service and all occupancies regulated by the Fire Safety Code
103 within [his] the local fire marshal's jurisdiction, except residential
104 buildings designed to be occupied by one or two families which shall
105 be inspected, upon complaint or request of an owner or occupant, only
106 for the purpose of determining whether the requirements specified in
107 said code relative to smoke detection and warning equipment have
108 been satisfied. Upon receipt by [him] the State Fire Marshal of
109 information from an authentic source that any other building or facility
110 within [his] the State Fire Marshal's jurisdiction is hazardous to life
111 safety from fire, [he] the State Fire Marshal shall inspect such building
112 or facility. In each case in which the local fire marshal conducts an
113 inspection, [he] the local fire marshal shall [satisfy himself] be satisfied
114 that all pertinent statutes and regulations are complied with, and shall
115 keep a record of such investigations. Such local fire marshal or a
116 designee shall have the right of entry [by himself or by his lawful
117 agent] at all reasonable hours into or upon any premises within [his]

118 the local fire marshal's jurisdiction for the performance of [his] the fire
119 marshal's duties except that occupied dwellings and habitations,
120 exclusive of common use passageways and rooms in tenement houses,
121 hotels and rooming houses, may only be entered for inspections
122 between the hours of [9] 9:00 a.m. and [5] 5:00 p.m., except in the event
123 of any emergency requiring [his] immediate attention for safety to life,
124 or in the interests of public safety. Each local fire marshal shall make a
125 monthly report to the authority [from] which [he received his
126 appointment,] appointed the local fire marshal and shall be paid for
127 his or her services in making such inspections of buildings and
128 facilities the compensation agreed upon with such appointing
129 authority.

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

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

139 (a) The State Fire Marshal and the Codes and Standards Committee,
140 acting jointly shall adopt minimum standards of qualification for local
141 fire marshals, deputy fire marshals, fire inspectors and such other
142 classes of inspectors and investigators as they deem necessary. The
143 State Fire Marshal and the Codes and Standards Committee shall (1)
144 prepare and conduct oral, written or practical examinations to
145 determine if a person is qualified and eligible to be certified or (2)
146 accept successful completion of programs of training developed by
147 public agencies and approved by him as proof of qualification for
148 certification eligibility or (3) prepare and conduct a training program,
149 the successful completion of which shall qualify a person to be
150 certified. Upon determination of the qualification of a local fire official

151 under subdivision (1), (2) or (3), the State Fire Marshal and the Codes
152 and Standards Committee shall issue or cause to be issued a certificate
153 to such person stating that he is eligible to be certified. The State Fire
154 Marshal and the Codes and Standards Committee shall establish
155 classes of certification that will recognize the varying involvements of
156 such local fire officials. Local fire marshals, deputy fire marshals, fire
157 inspectors and other inspectors or investigators holding office in any
158 municipality shall be certified in accordance with subdivision (1), (2) or
159 (3). On or after October 1, 1979, no local fire marshal, deputy fire
160 marshal, fire inspector or other inspector or investigator shall be
161 appointed or hired unless such person is certified and any such person
162 shall be removed from office if he fails to maintain his certification. The
163 State Fire Marshal and the Codes and Standards Committee shall
164 conduct educational programs designed to assist such local fire
165 officials in carrying out the duties and responsibilities of their office.
166 Such educational programs for local fire marshals, deputy fire
167 marshals and fire inspectors shall be in addition to the programs
168 specified under subdivisions (2) and (3) of this subsection and shall
169 consist of not less than ninety hours of training over a three-year
170 period. The State Fire Marshal and the Codes and Standards
171 Committee shall establish the minimum hours of training for the other
172 classes of inspectors and investigators, which shall recognize the
173 varying involvements of such officials. Each local fire official shall
174 attend such training programs or other approved programs of training
175 and present proof of successful completion to the State Fire Marshal.
176 The State Fire Marshal may, after notice and opportunity for hearing,
177 and with the participation of one or more members of the Fire Marshal
178 Training Council, revoke any certificate issued under the provisions of
179 this subsection for failure on the part of a local fire official to present
180 such proof.

181 (b) No local fire marshal, deputy fire marshal, fire inspector or other
182 inspector or investigator acting for a local fire marshal, who is charged
183 with the enforcement of the Fire Safety Code and this chapter, may be
184 held personally liable for any damage to persons or property that may

185 result from any action that is required or permitted in the discharge of
186 his official duties while acting for a municipality or fire district. Any
187 legal proceeding brought against any such fire marshal, deputy fire
188 marshal, fire inspector or other inspector or investigator because of any
189 such action shall be defended by such municipality or fire district. No
190 such fire marshal, deputy fire marshal, fire inspector or other inspector
191 or investigator may be held responsible for or charged with the costs of
192 any such legal proceeding. Any officer of a local fire marshal's office, if
193 acting without malice and in good faith, shall be free from all liability
194 for any action or omission in the performance of his official duties.

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

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

204 There shall be established within the Department of Public Safety a
205 Fire Marshal Training Council which shall advise the State Fire
206 Marshal and the Codes and Standards Committee on all matters
207 pertaining to (1) certification training programs, (2) decertification
208 hearings, (3) in-service training for fire marshals in the state, and (4)
209 programs for all other persons eligible to receive training pursuant to
210 subsections (a) to (c), inclusive, of section 29-251c. The council shall be
211 composed of twelve members as follows: The State Fire Marshal or his
212 designee; a member of the Codes and Standards Committee to be
213 elected by such committee; three members appointed by the
214 Connecticut Fire Marshals' Association, one of whom shall be a
215 volunteer, one of whom shall be a part-time paid, and one of whom
216 shall be a full-time, local fire marshal, deputy fire marshal or fire
217 inspector; one member appointed by the Board of Governors of Higher

218 Education; two members appointed by the Board of Trustees for the
219 Community-Technical Colleges; the chief elected official of a
220 municipality having a population in excess of seventy thousand
221 persons, appointed by the Governor; the chief elected official of a
222 municipality having a population of less than seventy thousand
223 persons, appointed by the Governor; and two public members,
224 appointed by the Governor. Members shall be residents of this state
225 and shall not be compensated for their services but shall be reimbursed
226 for necessary expenses incurred in the performance of their duties. The
227 council may elect such officers as it deems necessary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	29-291a
Sec. 2	<i>October 1, 2007</i>	29-298(a)
Sec. 3	<i>October 1, 2007</i>	29-303
Sec. 4	<i>October 1, 2007</i>	29-305
Sec. 5	<i>from passage</i>	29-298
Sec. 6	<i>from passage</i>	29-298a

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Public Safety- Office of the State Fire Marshal	GF - Savings	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the state fire marshal and Codes and Standards Committee to issue emeritus certificates to certain fire officials wishing to retire. Currently, when an appointed official wishes to retire and does not continue the required training program, the state fire marshal revokes their certification.

The voluntary retirement of fire officials could result in a potential minimal savings to the Office of the State Fire Marshal associated with the time and resources required to administer and conduct hearings for the revocation of an individual's certification. In FY 06 the state fire marshal revoked approximately 50 certifications.

The bill makes several other changes that are not anticipated to result in a fiscal impact.

House "A" makes an exception for inspections of residential buildings occupied by three or more families.

House "B" adds one or more members of the Fire Marshal Training Council to assist the State Fire Marshal in revoking a certificate from certain fire officials.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 7115 (as amended by House "A" and "B")*

AN ACT CONCERNING THE OFFICE OF THE STATE FIRE MARSHAL.

SUMMARY:

This bill makes several unrelated changes affecting building and fire code enforcement.

The bill allows the state fire marshal to reduce the required yearly inspection frequency for certain buildings subject to the State Fire Safety Code if this action is in the interest of public safety.

It streamlines fire incident reporting procedures and expands the kind of fire-related incidents that local fire marshals must report to the state fire marshal.

It extends the deadline for adopting the State Fire Prevention Code from January 1, 2005 to October 1, 2008. (PA 04-59 required the state fire marshal to adopt this code to (1) enhance the enforcement capabilities of local fire marshals and (2) prevent fire and other related emergencies.)

It requires (1) at least one member of the Fire Marshal Training Council to participate in certificate revocation hearings involving local fire marshals' failure to prove that they completed required training and (2) the council to advise the state fire marshal and Codes and Standards Committee on decertification hearings.

It authorizes the state fire marshal and Codes and Standards Committee to issue emeritus certificates to certain retired fire code officials.

*House Amendment "A" exempts three-family and larger residential buildings from the inspection frequency schedule the state fire marshal may adopt.

*House Amendment "B" adds the Fire Marshal Training Council provisions.

EFFECTIVE DATE: October 1, 2007

Building Inspection

Current law requires local fire marshals to inspect buildings within their jurisdiction subject to the State Fire Safety Code at least annually and as often as necessary in the interest of public safety. They must also inspect any other building or facility whenever there is an authentic complaint that the building or facility is a fire hazard.

The bill eliminates the requirement for the fire marshal to inspect buildings subject to the fire code as necessary in the interest of public safety. It instead requires, as an alternative to annual inspections, that the state fire marshal establish an inspection schedule for such buildings, except for residential buildings designed to be occupied by three or more families, in the fire safety and fire prevention codes. (By law, such residential buildings will continue to be subject to the annual inspection.) The schedule must be based on building use and allow for less-than-yearly inspections if the reduced frequency is in the interest of public safety. (The fire safety code classifies buildings based on use, such as manufacturing, industrial, assembly, or education.)

It also requires the state fire marshal, instead of local fire marshals, to inspect buildings and facilities not subject to the code when he receives any authentic complaint that the building or facility is a fire hazard.

Fire Incident Reports

Current law requires the fire chief to report incidents of fire or explosion to the local fire marshal who reports them to the state fire marshal. The fire chief must make his report within five days, and the

local fire marshal within 10 days, of the incident.

The bill eliminates the two-step reporting process. It allows either the fire chief or local fire marshal to submit reports directly to the state fire marshal. In addition to fire or explosions, the bill requires them to report other “fire emergencies” (which the bill does not define).

The bill appears to eliminate the deadlines for submitting the above reports. But it allows the fire chief or fire marshal to submit reports of other significant fire department responses to fires or explosions. They may submit these reports monthly until December 31, 2007. Beginning January 1, 2008, they must submit them at least quarterly.

The bill updates the law to reflect current technology and practice, allowing the officials to submit reports electronically instead of on a magnetic tape. It eliminates a requirement that the local fire marshal certify and sign reports.

Emeritus Certificate

The bill allows any appointed local fire marshal, deputy fire marshal, or other inspector who wishes to retire his certificate to apply to the state fire marshal and the Codes and Standards Committee to have it retired and replaced with an emeritus certificate. The retired official may not describe himself as a licensed or certified official.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 21 Nay 0 (02/27/2007)