



Senate

General Assembly

File No. 614

January Session, 2007

Senate Bill No. 1093

Senate, April 30, 2007

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE STATE BUILDING CODE.

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

1 Section 1. Subsection (c) of section 20-334d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (c) The commissioner, with the advice and assistance of the
5 Plumbing and Piping Work Board established pursuant to subsection
6 (d) of section 20-331, shall adopt regulations, in accordance with
7 chapter 54, to (1) establish requirements for accredited continuing
8 professional education for plumbers licensed pursuant to sections 20-
9 330 to 20-341, inclusive, which regulations shall require not more than
10 a total of seven hours of accredited continuing professional education
11 every two years, except in the event of significant changes to the
12 building code, as approved by the [Building Officials and Code
13 Administrators International, Incorporated] International Code
14 Council, that relate to plumbing, the commissioner, at such
15 commissioner's discretion, may require more than a total of seven

16 hours of accredited continuing professional education every two years;
17 (2) establish qualifying criteria for accredited continuing professional
18 education programs and establish qualifying criteria for acceptable
19 certificates of continuing education; and (3) provide for the waiver of
20 required accredited continuing professional education for plumbers
21 for good cause.

22 Sec. 2. Subsection (d) of section 29-251c of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective July*
24 *1, 2008*):

25 (d) The Commissioner of Public Safety may apply for any federal or
26 private funds or contributions available for training and education of
27 code officials or other persons eligible to receive training under
28 subsections (a) to (c), inclusive, of this section. Not later than July 1,
29 2000, the Commissioner of Public Safety, with the approval of the
30 Building Code Training Council and the Fire Marshal Training
31 Council, shall adopt regulations in accordance with chapter 54 to
32 establish an administrative process to adjust as necessary (1) the
33 amount of the education fee to be assessed by the State Building
34 Inspector pursuant to section 29-252a and each municipal building
35 official pursuant to section 29-263, and (2) the [percentage] portion of
36 the fees collected which may be retained by each municipal building
37 department for administrative costs. The education fee shall be
38 adjusted downward or upward, as the case may be, when necessary,
39 but not more than annually to reflect the actual cost of the training and
40 educational programs and the continuing educational programs
41 established in subsections (a) to (c), inclusive, of this section and the
42 educational programs required in subsections (a) and (b) of section 29-
43 262, except that no such fee may be increased by more than four [per
44 cent] cents in any one year. The [percentage] portion of fees which may
45 be retained for administrative costs shall be adjusted downward or
46 upward, as the case may be, when necessary, but not more than
47 annually, to reflect the actual costs incurred in collecting such fees
48 except that [no such percentage of] the fees to be retained for
49 administrative costs may not be less than one [per cent] cent or greater

50 than three [per cent] cents.

51 Sec. 3. Subsection (d) of section 29-260 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective*
53 *October 1, 2007*):

54 (d) Each municipality shall become a member of the [Building
55 Officials and Code Administrators International not later than January
56 1, 1987,] International Code Council and shall pay the membership fee.

57 Sec. 4. Section 29-232 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective October 1, 2007*):

59 (a) The Commissioner of Public Safety shall formulate regulations
60 for the design, construction, installation, repair, use and operation of
61 boilers in Connecticut. Such regulations shall conform as nearly as
62 possible to the Boiler Code of the American Society of Mechanical
63 Engineers, and the National Board Inspection Code, both as amended,
64 and shall prescribe requirements as to the construction, installation,
65 repair, use and inspection of boilers in the interest of public safety. The
66 Commissioner of Public Safety shall hold hearings for the purpose of
67 securing aid in the formulation of such regulations. Such hearings shall
68 be public and representatives of all parties interested shall be given an
69 opportunity to be heard.

70 (b) Any person may apply to the State Building Inspector to grant
71 variations or exemptions from, or approve equivalent or alternate
72 compliance with, standards incorporated in the regulations adopted
73 under the provisions of subsection (a) of this section, and the State
74 Building Inspector or a designee may approve such variations,
75 exemptions, or equivalent or alternate compliance where strict
76 compliance with such provisions would cause practical difficulty or
77 unnecessary hardship.

78 (c) Any person aggrieved by any decision of the State Building
79 Inspector or the State Building Inspector's designee pursuant to
80 subsection (b) of this section may appeal to the Commissioner of

81 Public Safety or such commissioner's designee not later than thirty
82 days after receipt of the notice of such decision. Any person aggrieved
83 by any ruling of such commissioner or designee may appeal therefrom
84 to the Superior Court in accordance with section 4-183.

85 Sec. 5. Section 29-263 of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2007*):

87 (a) Except as provided in subsection (h) of section 29-252a and the
88 State Building Code adopted pursuant to subsection (a) of section 29-
89 252, after October 1, 1970, no building or structure shall be constructed
90 or altered until an application has been filed with the building official
91 and a permit issued. Such permit shall be issued or refused, in whole
92 or in part, within thirty days after the date of an application. No permit
93 shall be issued except upon application of the owner of the premises
94 affected or the owner's authorized agent. No permit shall be issued to
95 a contractor who is required to be registered pursuant to chapter 400,
96 for work to be performed by such contractor, unless the name,
97 business address and Department of Consumer Protection registration
98 number of such contractor is clearly marked on the application for the
99 permit, and the contractor has presented such contractor's certificate of
100 registration as a home improvement contractor. Prior to the issuance of
101 a permit and within said thirty-day period, the building official shall
102 review the plans of buildings or structures to be constructed or altered,
103 including, but not limited to, plans prepared by an architect licensed
104 pursuant to chapter 390, a professional engineer licensed pursuant to
105 chapter 391 or an interior designer registered pursuant to chapter 396a
106 acting within the scope of such license or registration, to determine
107 their compliance with the requirements of the State Building Code and,
108 where applicable, the local fire marshal shall review such plans to
109 determine their compliance with the State Fire Safety Code. Such plans
110 submitted for review shall be in substantial compliance with the
111 provisions of the State Building Code and, where applicable, with the
112 provisions of the State Fire Safety Code.

113 (b) On and after July 1, 1999, the building official shall assess an

114 education fee on each building permit application. During the fiscal
115 year commencing July 1, 1999, the amount of such fee shall be sixteen
116 cents per one thousand dollars of construction value as declared on the
117 building permit application and the building official shall remit such
118 fees quarterly to the Department of Public Safety, for deposit in the
119 General Fund. Upon deposit in the General Fund, the amount of such
120 fees shall be credited to the appropriation to the Department of Public
121 Safety and shall be used for the code training and educational
122 programs established pursuant to section 29-251c, as amended by this
123 act, and the educational programs required in subsections (a) and (b)
124 of section 29-262. On and after July 1, 2000, the assessment shall be
125 made in accordance with regulations adopted pursuant to subsection
126 (d) of section 29-251c, as amended by this act. All fees collected
127 pursuant to this subsection shall be maintained in a separate account
128 by the local building department. During the fiscal year commencing
129 July 1, 1999, the local building department may retain two per cent of
130 such fees for administrative costs incurred in collecting such fees and
131 maintaining such account. On and after July 1, 2000, the [percentage]
132 portion of such fees which may be retained by a local building
133 department shall be determined in accordance with regulations
134 adopted pursuant to subsection (d) of section 29-251c, as amended by
135 this act.

136 Sec. 6. Section 29-393 of the general statutes is repealed and the
137 following is substituted in lieu thereof (*Effective October 1, 2007*):

138 On receipt of information from the local fire marshal or from any
139 other authentic source that any building in his jurisdiction, due to lack
140 of exit facilities, fire, deterioration, catastrophe or other cause, is in
141 such condition as to be a hazard to any person or persons, the building
142 inspector shall immediately make an inspection by himself or by his
143 assistant, and may make orders for additional exit facilities or the
144 repair or alteration of the building if the same is susceptible to repair
145 or both or for the removal of such building or any portion thereof if
146 any such order is necessary in the interests of public safety. [In all
147 cities, boroughs or towns not having a building inspector the mayor of

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 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal
Public Safety, Dept.	GF - Revenue Impact	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Department of Public Safety (DPS) to adopt new regulations to change the education fee on each building permit application. Until the new regulations are adopted, there is no immediate fiscal impact. Once the new regulations have been promulgated and adopted it is anticipated that there will be a revenue increase to DPS.

Additionally, the bill increases the penalty for failing to comply with the written order of a building inspector. A person who is non-compliant faces a maximum penalty of \$1,000 (minimum of \$200), imprisonment for not more than six months, or both. Any revenue from criminal fines imposed under the bill or marginal cost for incarceration and/or probation supervision in the community as a result of the bill would be minimal.

The Out Years

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

continue into the future, subject to the rate of violations.

OLR Bill Analysis**SB 1093*****AN ACT CONCERNING THE STATE BUILDING CODE.*****SUMMARY:**

This bill makes several unrelated changes in the statutes pertaining to the building code.

It increases the penalty for violating a building inspector's written order. Under current law, the penalty is a fine up to \$500 or imprisonment for up to six months. Under the bill, the fine is \$200 to \$1,000, imprisonment for up to six months or both.

The bill also:

1. modifies the amount of the education fee that the state may levy on building permit applications and that towns may withhold for their collection costs;
2. establishes a waiver and appeal process for boiler use and operation consistent with waiver provisions for other building code activities;
3. eliminates a provision allowing the mayor, borough warden, or first selectman to serve as a building inspector in any jurisdiction that does not have a building inspector and makes conforming changes; and
4. makes a technical change, replacing references to the Building Officials and Code Administrators (BOCA) with the International Code Council, which replaced BOCA.

EFFECTIVE DATE: October 1, 2007, except for the fee provisions,

which take effect July 1, 2008.

BUILDING CODE EDUCATION FEES

By law, the state building inspector and local building officials must levy an education fee on state and local building permit applications for code training and educational purposes. Currently, the fee is 16 cents per \$1,000 of construction value declared on the permit application. Thus, the fee on a \$100,000 project is \$160. Under current law, the officials may increase the fee by up to 4% in any year (i.e., by 0.64 cents per \$1,000) to reflect actual changes in the cost of the training education programs. The bill instead allows the fee to be adjusted by up to four cents per year. Its apparent intent is to allow an adjustment of up to four cents per \$1,000 of construction value.

By law, local officials may retain part of the education fee for their administrative costs, in accordance with DPS regulations. Under current law, this amount cannot be less than 1% or more than 3% of the fee (between \$1.60 and \$4.80 for a \$100,000 project). The bill instead limits the amount retained to one to three cents.

BOILER WAIVER

The bill allows people to apply to the state building inspector to grant variations or exemptions from, or approve equivalent or alternate compliance with regulatory boiler standards. The state building inspector or a designee may approve where strict compliance would cause practical difficulty or unnecessary hardship.

Anyone aggrieved by the official's decision may appeal to the public safety commissioner not later than 30 days after receiving the decision. If aggrieved by the commissioner's or designee's decision, the person may appeal to Superior Court.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference
Yea 21 Nay 0 (02/27/2007)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 53 Nay 0 (04/17/2007)