



General Assembly

January Session, 2009

Raised Bill No. 6324

LCO No. 2706

02706_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

**AN ACT CONCERNING THE INSPECTION OF ELEVATORS, THE
AUTHORITY OF THE STATE AND LOCAL FIRE MARSHALS, THE
REGULATION OF EXPLOSIVES AND OTHER TECHNICAL CHANGES.**

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

1 Section 1. Section 29-195 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 Each elevator or escalator shall be thoroughly inspected by a
4 department elevator inspector at least once each eighteen months,
5 except [private residence elevators, as defined in the regulations
6 adopted pursuant to section 29-192,] elevators located in private
7 residences shall be inspected upon the request of the owner. More
8 frequent inspections of any elevator or escalator shall be made if the
9 condition thereof indicates that additional inspections are necessary or
10 desirable.

11 Sec. 2. Subsection (a) of section 29-292 of the general statutes is
12 repealed and the following is substituted in lieu thereof (*Effective*
13 *October 1, 2009*):

14 (a) The State Fire Marshal and the Codes and Standards Committee

15 shall adopt and administer a Fire Safety Code and at any time may
16 amend the same. The code shall be based on a nationally recognized
17 model fire code and shall be revised not later than January 1, 2005, and
18 thereafter as deemed necessary to incorporate advances in
19 technologies and improvements in construction materials and any
20 subsequent revisions to the code not later than eighteen months
21 following the date of first publication of such revisions to the code,
22 unless the State Fire Marshal and the committee certify that a revision
23 is not necessary for such purpose. The regulations in said code shall
24 provide for reasonable safety from fire, smoke and panic therefrom, in
25 all buildings and areas adjacent thereto except in private dwellings
26 occupied by one or two families and upon all premises, [except those
27 used for manufacturing,] and shall include provision for (1) carbon
28 monoxide detection and warning equipment in new residential
29 buildings not exempt under regulations adopted pursuant to this
30 subsection and designed to be occupied by one or two families for
31 which a building permit for new occupancy is issued on or after
32 October 1, 2005, and (2) smoke detection and warning equipment in
33 (A) residential buildings designed to be occupied by two or more
34 families, (B) new residential buildings designed to be occupied by one
35 family for which a building permit for new occupancy is issued on or
36 after October 1, 1978, requiring equipment complying with the Fire
37 Safety Code, and (C) new residential buildings designed to be
38 occupied by one or more families for which a building permit for new
39 occupancy is issued on or after October 1, 1985, requiring equipment
40 capable of operation using alternating current and batteries. Said
41 regulations shall provide the requirements for markings and literature
42 which shall accompany such equipment sufficient to inform the
43 occupants and owners of such buildings of the purpose, protective
44 limitations and correct installation, operating, testing, maintenance
45 and replacement procedures and servicing instructions for such
46 equipment and shall require that smoke detection and warning
47 equipment which is installed in such residential buildings shall be
48 capable of sensing visible or invisible smoke particles, that the manner

49 and location of installing smoke detectors shall be approved by the
50 local fire marshal or building official, that such installation shall not
51 exceed the standards under which such equipment was tested and
52 approved and that such equipment, when activated, shall provide an
53 alarm suitable to warn the occupants, provided each hotel, motel or
54 inn shall install or furnish such equipment which, when activated,
55 shall provide a visible alarm suitable to warn occupants, in at least one
56 per cent of the units or rooms in such establishment having one
57 hundred or more units or rooms and in establishments having less
58 than one hundred units or rooms, it shall install or furnish at least one
59 such alarm. Said regulations shall provide the requirements and
60 specifications for the installation and use of carbon monoxide detection
61 and warning equipment and shall include, but not be limited to, the
62 location, power requirements and standards for such equipment and
63 exemptions for buildings that do not pose a risk of carbon monoxide
64 poisoning due to sole dependence on systems that do not emit carbon
65 monoxide.

66 Sec. 3. Section 29-298 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2009*):

68 (a) The State Fire Marshal and the Codes and Standards Committee,
69 acting jointly, shall adopt minimum standards of qualification for local
70 fire marshals, deputy fire marshals, fire inspectors and such other
71 classes of inspectors and investigators as they deem necessary. The
72 State Fire Marshal and the Codes and Standards Committee shall (1)
73 prepare and conduct oral, written or practical examinations to
74 determine if a person is qualified and eligible to be certified, or (2)
75 accept successful completion of programs of training developed by
76 public agencies and approved by them as proof of qualification for
77 certification eligibility, or (3) prepare and conduct a training program,
78 the successful completion of which shall qualify a person to be
79 certified. Upon determination of the qualification of a local fire official
80 under subdivision (1), (2) or (3) of this subsection, the State Fire
81 Marshal and the Codes and Standards Committee shall issue or cause

82 to be issued a certificate to such person stating that the person is
83 eligible to be certified. The State Fire Marshal and the Codes and
84 Standards Committee shall establish classes of certification that will
85 recognize the varying involvements of such local fire officials. Local
86 fire marshals, deputy fire marshals, fire inspectors and other inspectors
87 or investigators holding office in any municipality shall be certified in
88 accordance with subdivision (1), (2) or (3) of this subsection. On or
89 after October 1, 1979, no local fire marshal, deputy fire marshal, fire
90 inspector or other inspector or investigator shall be appointed or hired
91 unless such person is certified and any such person shall be removed
92 from office if such person fails to maintain certification. The State Fire
93 Marshal and the Codes and Standards Committee shall conduct
94 educational programs designed to assist such local fire officials in
95 carrying out the duties and responsibilities of their office. Such
96 educational programs for local fire marshals, deputy fire marshals and
97 fire inspectors shall be in addition to the programs specified under
98 subdivisions (2) and (3) of this subsection and shall consist of not less
99 than ninety hours of training over a three-year period. The State Fire
100 Marshal and the Codes and Standards Committee shall establish the
101 minimum hours of training for the other classes of inspectors and
102 investigators, which shall recognize the varying involvements of such
103 officials. Each local fire official shall attend such training programs or
104 other approved programs of training and present proof of successful
105 completion to the State Fire Marshal. The State Fire Marshal may, after
106 notice and opportunity for hearing, and with the participation of one
107 or more members of the Fire Marshal Training Council, revoke any
108 certificate issued under the provisions of this subsection for failure on
109 the part of a local fire official to present such proof. Any appointed
110 local fire marshal, deputy fire marshal or other inspector or
111 investigator who wishes to retire his or her certificate may apply to the
112 State Fire Marshal and the Codes and Standards Committee to have
113 such certificate retired and be issued a certificate of emeritus. Such
114 retired local fire official may no longer hold himself or herself out as a
115 certified local fire official.

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

130 (c) [Each] Except as provided in this subsection, each certified
131 deputy fire marshal, fire inspector or other inspector or investigator
132 shall act under the direction and supervision of the local fire marshal
133 while enforcing the Fire Safety Code and the provisions of this chapter.
134 The local fire marshal may authorize, in writing, such deputy fire
135 marshal or fire inspector to issue any permit or order under the
136 provisions of this part or to certify compliance with the provisions of
137 the Fire Safety Code, on his behalf. If no local fire marshal has been
138 appointed in accordance with the provisions of section 29-297, the
139 deputy fire marshal or acting fire marshal shall assume the authority
140 granted to the local fire marshal under this section.

141 Sec. 4. Section 29-349 of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective October 1, 2009*):

143 (a) The Commissioner of Public Safety shall have exclusive
144 jurisdiction in the preparation of and may enforce reasonable
145 regulations for the safe and convenient storage, transportation and use
146 of explosives and blasting agents used in connection therewith, which
147 regulations shall deal in particular with the quantity and character of

148 explosives and blasting agents to be stored, transported and used, the
149 proximity of such storage to inhabited dwellings or other occupied
150 buildings, public highways and railroad tracks, the character and
151 construction of suitable magazines for such storage, protective
152 measures to secure such stored explosives and blasting agents and the
153 abatement of any hazard that may arise incident to the storage,
154 transportation or use of such explosives and blasting agents.

155 (b) No person, firm or corporation shall engage in any activity
156 concerning the storage, transportation or use of explosives unless such
157 person, firm or corporation has obtained a license therefor from the
158 Commissioner of Public Safety. Such license shall be issued upon
159 payment of a fee of one hundred dollars and upon submission by the
160 applicant of evidence of good moral character and of competence in
161 the control and handling of explosives, provided, if such license is for
162 the use of explosives, it may be issued only to an individual person
163 after demonstration that such individual is technically qualified to
164 detonate explosives. Any such license to use explosives shall bear both
165 the fingerprints of the licensee obtained by the Commissioner of Public
166 Safety at the time of licensing, and the licensee's photograph, furnished
167 by the licensee, of a size specified by the commissioner and taken not
168 more than one year prior to the issuance of the license. Each such
169 license shall be valid for one year from the date of its issuance, unless
170 sooner revoked or suspended, and may be renewed annually
171 thereafter upon a payment of seventy-five dollars.

172 (c) The Commissioner of Public Safety shall require any applicant
173 for a license under this section to submit to state and national criminal
174 history records checks. The criminal history records checks required
175 pursuant to this subsection shall be conducted in accordance with
176 section 29-17a.

177 (d) No person shall manufacture, keep, store, sell or deal in any
178 explosives unless such person has a valid license under the provisions
179 of subsection (b) of this section and obtains from the Commissioner of

180 Public Safety or from the fire marshal of the town where such business
181 is conducted a written permit therefor, which permit shall not be valid
182 for more than one year and for which such person shall pay a fee of
183 fifty dollars. If the permit is issued by the Commissioner of Public
184 Safety, the commissioner shall forward a copy thereof to the local fire
185 marshal. Such permit so granted shall definitely state the location of
186 the building where such business is to be carried on or such explosive
187 deposited and shall state that such building or premises complies with
188 the regulations provided for in this section.

189 (e) No person shall procure, transport or use any explosives unless
190 such person has a valid license under subsection (b) of this section and
191 has obtained a written permit therefor signed by the Commissioner of
192 Public Safety or by the fire marshal of the town where such explosive
193 is to be used, specifying the name of the purchaser, the amount to be
194 purchased and transported and the purpose for which it is to be used.
195 Any such permit to use explosives shall state the number of years the
196 permittee has been engaged in blasting activity. Such permit shall be
197 valid for such period, not longer than one year, as is required to
198 accomplish the purpose for which it was obtained. No carrier shall
199 transport any such explosive until the vehicle transporting the
200 explosive has been inspected and approved by the Department of
201 Public Safety and unless such written permit accompanies the same
202 and no person shall have in such person's possession any such
203 explosive unless such person has a license and permit therefor. The fee
204 for such inspection shall be fifty dollars. The fee for such permit shall
205 be thirty dollars. Each person who has in such person's custody or
206 possession any explosive or any detonating caps for explosives shall
207 keep the same either under personal observation or securely locked
208 up.

209 (f) Any license or permit issued under the provisions of this section
210 may be suspended or revoked by the issuing authority for violation by
211 the licensee or permittee of any provision of law or regulation relating
212 to explosives or conviction of such licensee or permittee of any felony

213 or misdemeanor. Suspension or revocation of a license shall
214 automatically suspend or revoke the permit and the suspension or
215 revocation of a permit shall automatically suspend or revoke the
216 license.

217 (g) Any person who, by himself or herself or by such person's
218 employee or agent or as the employee or agent of another, violates any
219 provision of this section, or any regulation made by the Commissioner
220 of Public Safety pursuant to the provisions of this section, shall be
221 fined not more than ten thousand dollars or imprisoned not more than
222 ten years or both.

223 (h) As used in this section, "blasting agent" means any material,
224 composition or mixture intended for blasting, consisting substantially
225 of a fuel and oxidizer, none of the ingredients of which is an explosive
226 as defined in section 29-343, and the finished product of which as
227 mixed and packaged for use or shipment cannot be detonated by the
228 test procedure established by regulations adopted by the
229 Commissioner of Public Safety in accordance with chapter 54.

230 (i) Notwithstanding the provisions of this section, the Labor
231 Commissioner shall regulate the storage, transportation and use of
232 explosives and blasting agents in places of employment insofar as such
233 activities relate to employee health and safety, provided such
234 regulations shall be no less stringent than those prepared and enforced
235 by the Commissioner of Public Safety pursuant to this section.

236 (j) The State Fire Marshal may grant variations or exemptions from,
237 or approve equivalent or alternate compliance with, particular
238 provisions of any regulation adopted under this section where strict
239 compliance with such provisions would entail practical difficulty or
240 unnecessary hardship or is otherwise adjudged unwarranted,
241 provided any such variation, exemption, equivalent or alternate
242 compliance shall, in the opinion of the State Fire Marshal, secure the
243 public safety.

244 Sec. 5. Section 29-402 of the general statutes is repealed and the
245 following is substituted in lieu thereof (*Effective October 1, 2009*):

246 (a) No person shall engage in the business of demolition of
247 buildings without a certificate of registration obtained from the
248 Department of Public Safety. An applicant for initial registration shall
249 file an application with the Department of Public Safety, furnish
250 evidence of expertise and financial responsibility and pay a fee of three
251 hundred fifty dollars for a class B certificate and seven hundred fifty
252 dollars for a class A certificate. Each certificate shall be valid for twelve
253 months from date of issuance and shall be renewable on application of
254 the registrant upon payment of an annual fee of two hundred dollars
255 for a class B certificate and six hundred dollars for a class A certificate.
256 The department may refuse to issue any such certificate for cause, and
257 may revoke or refuse to renew any such certificate for failure to carry
258 out and conform to the provisions of this part or to any regulations
259 adopted hereunder, or for any violation of title 22a. No [person shall
260 be refused a certificate or a renewal thereof, and no certificate shall be
261 revoked,] certificate shall be suspended or revoked without an
262 opportunity for a hearing conducted by the Department of Public
263 Safety.

264 (b) As used in this part, the term "registration" includes the whole or
265 part of any permit which the Department of Public Safety issues under
266 authority of the general statutes and which (1) requires persons to
267 place their names on a list maintained by the department before they
268 can engage in the business of demolition of buildings, (2) [does not
269 require] requires a person to demonstrate competence by examination
270 or other means, and (3) may be revoked or suspended by the
271 department for cause.

272 (c) The provisions of this section shall not apply to (1) a person who
273 is engaged in the disassembling, transportation and reconstruction of
274 historic buildings for historical purposes or in the demolition of farm
275 buildings or in the renovation, alteration or reconstruction of a single-

276 family residence, (2) the removal of underground petroleum storage
277 tanks, (3) the burning of a building or structure as part of an organized
278 fire department training exercise, or (4) the demolition of a single-
279 family residence or outbuilding by an owner of such structure if it does
280 not exceed a height of thirty feet, provided (A) the owner shall be
281 present on site while such demolition work is in progress and shall be
282 held personally liable for any injury to individuals or damage to public
283 or private property caused by such demolition, and (B) such
284 demolition shall be permitted only with respect to buildings which
285 have clearance from other structures, roads or highways equal to or
286 greater than the height of the structure subject to demolition. The local
287 building official may require additional clearance when deemed
288 necessary for safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	29-195
Sec. 2	<i>October 1, 2009</i>	29-292(a)
Sec. 3	<i>October 1, 2009</i>	29-298
Sec. 4	<i>October 1, 2009</i>	29-349
Sec. 5	<i>October 1, 2009</i>	29-402

Statement of Purpose:

To clarify that elevators in private residences are inspected only upon the request of the owner, to delete an obsolete exception for manufacturing facilities, to allow the deputy fire marshal or acting fire marshal to act in the place of a local fire marshal when there is no local fire marshal, to permit the State Fire Marshal to grant variances from certain regulatory provisions concerning the storage, transportation or use of explosives, to remove the right to a hearing for a new applicant for a demolition certificate of registration and to permit the department to require an examination for such registration.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]