



Senate

General Assembly

File No. 521

February Session, 2010

Substitute Senate Bill No. 151

Senate, April 13, 2010

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT LIMITING THE INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS.

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

1 Section 1. Section 7-323q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 The state shall save harmless and indemnify any person certified as
4 a fire service instructor by the Commission on Fire Prevention and
5 Control under section 7-323l from financial loss and expense, including
6 legal fees and costs, if any, arising out of any claim, demand, suit or
7 judgment by reason of alleged negligence or other act resulting in
8 personal injury or property damage, which acts are not wanton,
9 reckless or malicious, provided such person₂ at the time of the acts
10 resulting in such injury or damage₂ was acting in the discharge of [his]
11 such person's duties [in providing] (1) as an employee or member of a
12 municipal, state or tribal nation fire department to provide fire service
13 training and instruction for the other members or employees of such
14 municipal, state or tribal nation fire department, (2) as a fire service

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Fire Prevention & Control, Com.	GF - Savings	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill would result in potential savings to the state by excluding certified fire service instructors employed in a private training business from indemnification protection. These potential savings would depend upon the number of private certified fire service instructors seeking indemnification. It is anticipated that the number of cases would be few as only approximately 190 of the 3,761 certified fire service instructors in the state are employed in a private fire training business.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of private fire instructor indemnification cases.

OLR Bill Analysis**sSB 151*****AN ACT LIMITING THE INDEMNIFICATION OF FIRE SERVICE INSTRUCTORS.*****SUMMARY:**

This bill narrows those fire service instructors whom the state must hold harmless and indemnify from financial loss and expense.

Current law requires the state to hold harmless and indemnify any fire service instructor certified by the Commission on Fire Prevention and Control, for negligence or other acts resulting in personal injury or property damage, if the person is acting in the discharge of his or her duties in providing fire service training and instruction. In order for indemnification, the act must not be wanton, reckless, or malicious.

The bill specifies the fire service instructor must also be (1) an employee or member of a municipal, state, or tribal fire department providing fire service training and instruction for other members or employees of his or her fire department; (2) a fire service instructor employed by the commission to provide training and instruction on its behalf; or (3) a fire service instructor employed by a regional fire school to provide training and instruction on its behalf.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 20 Nay 0 (03/09/2010)

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/29/2010)