



Senate

General Assembly

File No. 92

February Session, 2010

Substitute Senate Bill No. 310

Senate, March 23, 2010

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO THE PUBLIC SAFETY STATUTES AND AN EFFECTIVE DATE CHANGE.

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

1 Section 1. Section 29-317 of the 2010 supplement to the general
2 statutes, as amended by section 7 of public act 09-177, is repealed and
3 the following is substituted in lieu thereof (*Effective January 1, 2013*):

4 (a) The Commissioner of Public Safety shall adopt regulations, in
5 accordance with the provisions of chapter 54, prescribing reasonable
6 minimum requirements for the installation of oil burners and
7 equipment used in connection therewith, including tanks, piping,
8 pumps, control devices and accessories. Such regulations shall be
9 incorporated into the State Fire Prevention Code and shall include
10 provisions for the prevention of injury to life and damage to property,
11 and protection from hazards incident to the installation and operation
12 of such oil burners and equipment.

13 (b) No regulation made in accordance with this section shall apply
14 to any electric company, gas company or electric distribution company
15 as such terms are defined in section 16-1.

16 Sec. 2. Section 29-320 of the 2010 supplement to the general statutes,
17 as amended by section 8 of public act 09-177, is repealed and the
18 following is substituted in lieu thereof (*Effective January 1, 2013*):

19 The Commissioner of Public Safety shall adopt [and enforce,] and
20 may amend, reasonable regulations in accordance with the provisions
21 of chapter 54, concerning the safe storage, use, transportation by any
22 mode and transmission by pipeline of flammable or combustible
23 liquids. Such regulations shall be incorporated into the State Fire
24 Prevention Code and shall include provisions for the prevention of
25 damage to property and injury to life, and protection from hazards
26 incident to the storage, use, transportation by any mode and
27 transmission by pipeline of such liquids. The commissioner shall
28 enforce such regulations. Such regulations shall not apply to any
29 electric company, electric distribution company or gas company, as
30 such terms are defined in section 16-1.

31 Sec. 3. Section 29-324 of the 2010 supplement to the general statutes,
32 as amended by section 11 of public act 09-177, is repealed and the
33 following is substituted in lieu thereof (*Effective January 1, 2013*):

34 Any person who, by himself or his employee or agent, or as the
35 employee or agent of another, operates or permits the operation of a
36 motor vehicle in violation of section 29-322 [,] shall be fined not more
37 than five hundred dollars or imprisoned not more than six months or
38 both for the first offense, and not less than five hundred dollars [nor]
39 or more than one thousand dollars or imprisoned not more than one
40 year or both for each subsequent offense. If death or injury results from
41 any such violation, the fine shall be not more than ten thousand dollars
42 and the period of imprisonment not more than ten years or both.

43 Sec. 4. Section 29-367 of the 2010 supplement to the general statutes,
44 as amended by section 18 of public act 09-177, is repealed and the

45 following is substituted in lieu thereof (*Effective January 1, 2013*):

46 (a) The Commissioner of Public Safety shall adopt, [and enforce,]
47 and may amend, reasonable regulations, in accordance with the
48 provisions of chapter 54, concerning the safe design, construction,
49 manufacture, testing, certification, storage, sale, shipping, operation
50 and launching of rockets propelled by rocket motors, including, but
51 not limited to, solid, liquid and cold propellant, hybrid, steam or
52 pressurized liquid rocket motors. Such regulations shall be
53 incorporated into the State Fire Prevention Code and include
54 provisions for the prevention of injury to life and damage to property
55 and protection of hazards incident to the design, construction,
56 manufacture, testing, storage, sale, shipping, operation and launching
57 of such rockets. The commissioner shall enforce such regulations.

58 (b) Such regulations shall not apply to (1) the design, construction,
59 production, fabrication, manufacture, maintenance, launching, flight,
60 test, operation, use of [] or any activity in connection with a rocket or
61 rocket motor when carried on by or engaged in by the government of
62 the United States or any state government, any college, university or
63 other institution of higher learning, any individual, firm, partnership,
64 joint venture, corporation [] or other business entity engaged in
65 research, development, production, test, maintenance [] or supply of
66 rockets, rocket motors, rocket propellants [] or rocket components as a
67 business under contract to or for the purposes of sale to any
68 government, college, university, institution of higher learning [] or
69 other similarly engaged business entity; or (2) the design, construction,
70 production, fabrication, manufacture, maintenance, launching, flight,
71 test, operation, use of [] or any activity in connection with rocket-
72 propelled model aircraft which sustain themselves against gravity by
73 aerodynamic lifting surfaces during the entire duration of their flight
74 in the air, or to the rocket motors that provide propulsion therefor.

75 Sec. 5. Section 22a-448 of the 2010 supplement to the general
76 statutes, as amended by section 23 of public act 09-177, is repealed and
77 the following is substituted in lieu thereof (*Effective January 1, 2013*):

78 For the purposes of sections 22a-133a to 22a-133j, inclusive, sections
79 22a-448 to 22a-454, inclusive, as amended by this act, and section 22a-
80 457a:

81 (1) "Chemical liquids" means any chemical, chemical solution or
82 chemical mixture in liquid form;

83 (2) "Emergency" means any situation which requires state or local
84 efforts to save lives and protect property and public health or safety or
85 to avert or lessen the threat of disaster;

86 (3) "Hazardous waste" means any waste material which may pose a
87 present or potential hazard to human health or the environment when
88 improperly treated, stored, transported or disposed of or otherwise
89 managed including hazardous waste identified in accordance with
90 Section 3001 of the Resource Conservation and Recovery Act of 1976,
91 [(42 USC 6901 et seq.)] 42 USC 6901 et seq.;

92 (4) "Oil or petroleum" means oil or petroleum of any kind or in any
93 form including, but not limited to, waste oils and distillation products
94 such as fuel oil, kerosene, naphtha, gasoline and benzene, or their
95 vapors;

96 (5) "Solid, liquid or gaseous products" means any substance or
97 material including, but not limited to, hazardous chemicals, flammable
98 liquids, as defined in section 29-320, as amended by this act, explosives
99 as defined in section 29-343, liquefied petroleum gas, as defined in
100 section 43-36, hazardous materials designated in accordance with the
101 Hazardous Materials Transportation Act, [(49 USC 1801 et seq.)] 49
102 USC 1801 et seq. and hazardous substances designated in accordance
103 with Section 311 of the federal Water Pollution Control Act;

104 (6) "Waste oil" means oil having a flash point at or above one
105 hundred forty degrees Fahrenheit (sixty degrees Centigrade) which is
106 no longer suitable for the services for which it was manufactured due
107 to the presence of impurities or a loss of original properties, including,
108 but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel

109 fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls
110 and other halogenated oils that have been discarded as waste or are
111 recovered from oil separators, oil spills, tank bottoms or other sources;

112 (7) "Floating boom retention device" means a floating containment
113 barrier used to contain floating oil or petroleum;

114 (8) "Hazardous chemicals" means (A) any materials that are highly
115 flammable or that may react to cause fires or explosions, or which by
116 their presence create or augment a fire or explosion hazard, or which
117 because of their toxicity, flammability or liability to explosion render
118 fire fighting abnormally dangerous or difficult; (B) flammable liquids
119 that are chemically unstable and that may spontaneously form
120 explosive compounds, or undergo spontaneous reactions of explosive
121 violence, or with sufficient evolution of heat to be a fire hazard; or (C)
122 such materials as compressed gases, liquefied gases, flammable solids,
123 corrosive liquids, oxidizing materials, potentially explosive chemicals,
124 highly toxic materials and poisonous gases;

125 (9) "Compressed gas" means any mixture or material having in the
126 container either an absolute pressure exceeding forty pounds per
127 square inch at seventy degrees Fahrenheit, or an absolute pressure
128 exceeding one hundred four pounds per square inch at one hundred
129 thirty degrees Fahrenheit, or both, or any liquid flammable material
130 having a vapor pressure exceeding forty pounds per square inch at one
131 hundred degrees Fahrenheit;

132 (10) "Corrosive liquids" means those acids, alkaline caustic liquids
133 and other corrosive liquids that, when in contact with living tissue,
134 will cause severe damage of such tissue by chemical action or are liable
135 to cause fire when in contact with organic matter or with certain
136 chemicals;

137 (11) "Flammable solid" means a solid substance, other than one
138 classified as an explosive, that is liable to cause fires through friction,
139 absorption of moisture, spontaneous chemical changes or as a result of
140 retained heat from manufacturing or processing;

141 (12) "Highly toxic materials" means materials so toxic to man as to
142 afford an unusual hazard to life and health during firefighting
143 operations, including parathion, malathion, TEPP (tetraethyl
144 phosphate), HETP (hexaethyl tetraphosphate), and similar insecticides
145 and pesticides;

146 (13) "Oxidizing materials" means substances such as chlorates,
147 permanganates, peroxides or nitrates, that yield oxygen readily to
148 stimulate combustion;

149 (14) "Poisonous gas" means and includes any noxious gas of such
150 nature that a small amount of the gas when mixed with air is
151 dangerous to life, including chlorpicrin, cyanogen, hydrogen cyanide,
152 nitrogen peroxide and phosgene;

153 (15) "Potentially explosive chemical" means any chemical substance,
154 other than one classified as an explosive, which can be exploded by
155 heat or shock when it is unconfined and unmixed with air or other
156 materials; and

157 (16) "Vapor pressure" means the pressure, measured in pounds per
158 square inch (absolute), exerted by a volatile liquid as determined by
159 the nationally recognized good practice known as the Reid method.

160 Sec. 6. (Effective from passage) Sections 7 to 18, inclusive, and sections
161 20 to 25, inclusive, of public act 09-177 shall take effect January 1, 2013.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2013	29-317
Sec. 2	January 1, 2013	29-320
Sec. 3	January 1, 2013	29-324
Sec. 4	January 1, 2013	29-367
Sec. 5	January 1, 2013	22a-448
Sec. 6	from passage	New section

PS Joint Favorable Subst.

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: None

Municipal Impact: None

Explanation

This bill makes technical changes that have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 310*****AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO THE PUBLIC SAFETY STATUTES AND AN EFFECTIVE DATE CHANGE.*****SUMMARY:**

The bill postpones by two years, from January 1, 2011 to January 1, 2013, the effective date of certain provisions of PA 09-177 mainly affecting the Fire Prevention Code, including the adoption of regulations; regulation of hazardous chemicals; and criminal penalties for certain code violations.

It also makes technical changes in various public safety statutes, mostly affecting hazardous chemicals and flammable liquids.

EFFECTIVE DATE: Upon passage for the changes in effective dates; January 1, 2013 for the technical changes.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/09/2010)