Substitute Senate Bill No. 310

Public Act No. 10-54

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:

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 Section 29-317 of the 2010 supplement to the general statutes, as amended by section 7 of public act 09-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

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

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

Sec. 2. Section 29-320 of the 2010 supplement to the general statutes,

as amended by section 8 of public act 09-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

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

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 Section 29-324 of the 2010 supplement to the general statutes, as amended by section 11 of public act 09-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

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

Sec. 4. Section 29-367 of the 2010 supplement to the general statutes, as amended by section 18 of public act 09-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

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

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

Sec. 5. Section 22a-448 of the 2010 supplement to the general statutes, as amended by section 23 of public act 09-177, is repealed and

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

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

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

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

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

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

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

(6) "Waste oil" means oil having a flash point at or above one

hundred forty degrees Fahrenheit (sixty degrees Centigrade) which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties, including, but not limited to, crude oil, fuel oil, lubricating oil, kerosene, diesel fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls and other halogenated oils that have been discarded as waste or are recovered from oil separators, oil spills, tank bottoms or other sources;

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

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

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

(10) "Corrosive liquids" means those acids, alkaline caustic liquids and other corrosive liquids that, when in contact with living tissue, will cause severe damage of such tissue by chemical action or are liable

to cause fire when in contact with organic matter or with certain chemicals;

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

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

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

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

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

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

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

Approved May 18, 2010