



General Assembly

February Session, 2012

**Raised Bill No. 327**

LCO No. 951

\*00951\_\_\_\_\_PS\_\*

Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

**AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.**

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

1 Section 1. Section 29-298 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The State Fire Marshal and the Codes and Standards Committee,  
4 acting jointly, shall adopt minimum standards of qualification for local  
5 fire marshals, deputy fire marshals, fire inspectors and such other  
6 classes of inspectors and investigators as they deem necessary. The  
7 State Fire Marshal and the Codes and Standards Committee shall (1)  
8 prepare and conduct oral, written or practical examinations to  
9 determine if a person is qualified [and eligible] to be certified, or (2)  
10 accept successful completion of programs of training developed by  
11 [public] agencies or institutions and approved by them as proof of  
12 qualification for certification, [eligibility,] or (3) prepare and conduct a  
13 training program, the successful completion of which shall qualify a  
14 person to be certified. Upon determination of the qualification of a  
15 local fire official under subdivision (1), (2) or (3) of this subsection, the  
16 State Fire Marshal and the Codes and Standards Committee shall issue

17 or cause to be issued a certificate to such person stating that the person  
18 is [eligible to be] certified. The State Fire Marshal and the Codes and  
19 Standards Committee shall establish classes of certification that will  
20 recognize the varying involvements of such local fire officials. Local  
21 fire marshals, deputy fire marshals, fire inspectors and other inspectors  
22 or investigators holding office in any municipality shall be certified in  
23 accordance with subdivision (1), (2) or (3) of this subsection. On or  
24 after October 1, 1979, no local fire marshal, deputy fire marshal, fire  
25 inspector or other inspector or investigator shall be appointed or hired  
26 unless such person is certified and any such person shall be removed  
27 from office if such person fails to maintain certification. The State Fire  
28 Marshal and the Codes and Standards Committee shall conduct  
29 educational programs designed to assist such local fire officials in  
30 carrying out the duties and responsibilities of their office. Such  
31 educational programs for local fire marshals, deputy fire marshals and  
32 fire inspectors shall be in addition to the programs specified under  
33 subdivisions (2) and (3) of this subsection and shall consist of not less  
34 than ninety hours of training over a three-year period. The State Fire  
35 Marshal and the Codes and Standards Committee shall establish the  
36 minimum hours of training for the other classes of inspectors and  
37 investigators, which shall recognize the varying involvements of such  
38 officials. Each local fire official shall attend such training programs or  
39 other approved programs of training and present proof of successful  
40 completion to the State Fire Marshal. The State Fire Marshal may, after  
41 notice and opportunity for hearing, and with the participation of one  
42 or more members of the Fire Marshal Training Council, revoke any  
43 certificate issued under the provisions of this subsection for failure on  
44 the part of a local fire official to present such proof. Any [appointed]  
45 local fire marshal, deputy fire marshal or other inspector or  
46 investigator who wishes to retire his or her certificate may apply to the  
47 State Fire Marshal and the Codes and Standards Committee to have  
48 such certificate retired and be issued a certificate of emeritus. Such  
49 retired local fire official may no longer hold himself or herself out as a  
50 certified local fire official.

51 (b) No local fire marshal, deputy fire marshal, fire inspector or other  
52 inspector or investigator acting for a local fire marshal, who is charged  
53 with the enforcement of [the Fire Safety Code and] this chapter, may  
54 be held personally liable for any damage to persons or property that  
55 may result from any action that is required or permitted in the  
56 discharge of his official duties while acting for a municipality or fire  
57 district. Any legal proceeding brought against any such fire marshal,  
58 deputy fire marshal, fire inspector or other inspector or investigator  
59 because of any such action shall be defended by such municipality or  
60 fire district. No such fire marshal, deputy fire marshal, fire inspector or  
61 other inspector or investigator may be held responsible for or charged  
62 with the costs of any such legal proceeding. Any officer of a local fire  
63 marshal's office, if acting without malice and in good faith, shall be  
64 free from all liability for any action or omission in the performance of  
65 his official duties.

66 (c) Except as provided in this subsection, each certified deputy fire  
67 marshal, fire inspector or other inspector or investigator shall act  
68 under the direction and supervision of the local fire marshal while  
69 enforcing [the Fire Safety Code and] the provisions of this chapter. The  
70 local fire marshal may authorize, in writing, such deputy fire marshal  
71 or fire inspector to issue any permit or order under the provisions of  
72 this part or to certify compliance with the provisions of [the Fire Safety  
73 Code] this chapter, on his behalf. If no local fire marshal has been  
74 appointed in accordance with the provisions of section 29-297, as  
75 amended by this act, the deputy fire marshal or acting fire marshal  
76 shall assume the authority granted to the local fire marshal under this  
77 section.

78 Sec. 2. Section 29-297 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective October 1, 2012*):

80 (a) The board of fire commissioners or, in the absence of such board,  
81 any corresponding authority of each town, city or borough, or, if no  
82 such board or corresponding authority exists, the legislative body of

83 each city, the board of selectmen of each town or the warden and  
84 burgesses of each borough, or, in the case of an incorporated fire  
85 district, the executive authority of such district shall appoint a local fire  
86 marshal and such deputy fire marshals and other inspectors or  
87 investigators as may be necessary. In making such appointment,  
88 preference shall be given to a member of the regular or volunteer fire  
89 department of such municipality. Each local fire marshal shall be  
90 sworn to the faithful performance of his duties by the clerk of the  
91 town, city, borough or fire district and shall continue to serve in that  
92 office until removed for cause. Such clerk shall record his acceptance of  
93 the position of local fire marshal and shall report the same in writing to  
94 the State Fire Marshal within ten days thereafter, giving the name and  
95 address of the local fire marshal and stating the limits of the territory  
96 in which the local fire marshal is to serve.

97 (b) The board of fire commissioners or, in the absence of such board,  
98 any corresponding authority of each town, city or borough or, if no  
99 such board or corresponding authority exists, the legislative body of  
100 each city, the board of selectmen of each town or the warden and  
101 burgesses of each borough or, in the case of an incorporated fire  
102 district, the executive authority of such district may, upon the death,  
103 disability, dismissal, retirement or revocation of certification of the  
104 local fire marshal, and in the absence of an existing deputy fire  
105 marshal, appoint a certified deputy fire marshal as the acting fire  
106 marshal for a period not to exceed one hundred eighty days.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-298
Sec. 2	<i>October 1, 2012</i>	29-297

**Statement of Purpose:**

To streamline the process for the certification of fire safety enforcement officials, recognize training programs offered by private institutions, authorize local fire marshals to delegate their authority to subordinates

with respect to all fire safety regulations and authorize communities to appoint fire inspectors and investigators.

*[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.]*