



House of Representatives

General Assembly

File No. 404

January Session, 2013

Substitute House Bill No. 6425

House of Representatives, April 8, 2013

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 29-298 of the general statutes is repealed and the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, 2013*):

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, which
7 shall include a requirement of at least three years' experience in fire
8 suppression or fire prevention activities, responding and controlling
9 releases or potential releases of hazardous materials or inspection
10 activities concerning the fire safety or prevention code, hazardous
11 materials, fires, explosions or the crime of arson. The State Fire
12 Marshal and the Codes and Standards Committee shall (1) prepare and
13 conduct oral, written or practical examinations to determine if a person
14 is qualified [and eligible] to be certified, or (2) accept successful

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

50 local fire marshal, deputy fire marshal or other inspector or
51 investigator who wishes to retire his or her certificate may apply to the
52 State Fire Marshal and the Codes and Standards Committee to have
53 such certificate retired and be issued a certificate of emeritus. Such
54 retired local fire official may no longer hold himself or herself out as a
55 certified local fire official.

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

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

83 Sec. 2. Section 29-297 of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective October 1, 2013*):

85 (a) The board of fire commissioners or, in the absence of such board,
86 any corresponding authority of each town, city or borough, or, if no
87 such board or corresponding authority exists, the legislative body of
88 each city, the board of selectmen of each town or the warden and
89 burgesses of each borough, or, in the case of an incorporated fire
90 district, the executive authority of such district shall appoint a local fire
91 marshal and such deputy fire marshals and other inspectors or
92 investigators as may be necessary. In making such appointment,
93 preference shall be given to a member of the regular or volunteer fire
94 department of such municipality. Each local fire marshal shall be
95 sworn to the faithful performance of his duties by the clerk of the
96 town, city, borough or fire district and shall continue to serve in that
97 office until removed for cause. Such clerk shall record his acceptance of
98 the position of local fire marshal and shall report the same in writing to
99 the State Fire Marshal within ten days thereafter, giving the name and
100 address of the local fire marshal and stating the limits of the territory
101 in which the local fire marshal is to serve.

102 (b) The board of fire commissioners or, in the absence of such board,
103 any corresponding authority of each town, city or borough or, if no
104 such board or corresponding authority exists, the legislative body of
105 each city, the board of selectmen of each town or the warden and
106 burgesses of each borough or, in the case of an incorporated fire
107 district, the executive authority of such district may, upon the death,
108 disability, dismissal, retirement or revocation of certification of the
109 local fire marshal, and in the absence of an existing deputy fire
110 marshal, appoint a certified deputy fire marshal as the acting fire
111 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, 2013</i>	29-298
Sec. 2	<i>October 1, 2013</i>	29-297

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**

The bill has no fiscal impact because the State Fire Marshall and Standards Committee are already performing similar duties.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

sHB 6425

AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.

SUMMARY:

This bill (1) requires the state fire marshal and the Codes and Standards Committee (state), rather than a municipality, to certify certain fire safety officials (e.g., local fire marshals, fire inspectors, and fire investigators), (2) establishes experience requirements for these officials, and (3) allows the state to accept successful completion of approved private fire training programs as proof of qualification for certification. Under current law, the state accepts only training programs from public agencies.

It allows (1) these officials to apply for a retirement certificate and (2) municipalities to appoint other fire inspectors or investigators, if needed.

The bill conforms the law to practice by limiting a local fire official's personal liability, enforcement supervision, and compliance certification to only enforcing the fire prevention and safety laws. It also makes minor related changes.

EFFECTIVE DATE: October 1, 2013

CERTIFICATION

Under the bill, the state is responsible for certifying local fire marshals, deputy fire marshals, fire inspectors, and other classes of inspectors and investigators. Currently, the state determines, after examination, if an applicant is eligible to be certified. But, the applicant is only certified after he or she is hired by a local municipality. The bill eliminates the "eligible to be certified"

requirement and requires the state to certify qualified fire safety officials.

EXPERIENCE REQUIREMENTS

The bill specifies that these fire safety officials must have at least three years' experience in fire suppression or fire prevention activities; responding and controlling releases or potential releases of hazardous materials; or inspection activities concerning the fire safety or prevention code, hazardous materials, fires, explosions, or the crime of arson.

RETIREMENT CERTIFICATE

The bill also allows local fire marshals, deputy fire marshals, or other inspectors or investigators who want to retire their certificate to apply to the state to have such certificate retired and be issued an emeritus certificate. Currently, this option is only available to officials who are appointed.

INSPECTOR/INVESTIGATOR APPOINTMENTS

The bill allows the board of fire commissioners, or a municipality's corresponding authority, to appoint other inspectors or investigators if they are necessary. By law, they appoint a local fire marshal and deputy fire marshals.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/21/2013)