



General Assembly

Amendment

January Session, 2013

LCO No. 6738

HB0642506738HDO

Offered by:

REP. DARGAN, 115th Dist.

SEN. HARTLEY, 15th Dist.

REP. GIEGLER, 138th Dist.

SEN. GUGLIELMO, 35th Dist.

To: Subst. House Bill No. 6425

File No. 404

Cal. No. 272

"AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS."

1 Strike section 1 in its entirety and insert the following in lieu thereof:

2 "Section 1. Section 29-298 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2013*):

4 (a) The State Fire Marshal and the Codes and Standards Committee,
5 acting jointly, shall adopt minimum standards of qualification for local
6 fire marshals, deputy fire marshals, fire inspectors and such other
7 classes of inspectors and investigators as they deem necessary. For
8 local fire marshals, deputy fire marshals and fire inspectors, such
9 standards shall include a requirement that the person has at least three
10 years' experience (1) in fire suppression or fire prevention activities, (2)
11 in responding and controlling releases or potential releases of
12 hazardous materials, (3) in inspection activities concerning the fire

13 safety or prevention code or hazardous materials, (4) in the
14 investigation of the cause and origin of fires and explosions, or (5) as a
15 sworn member of the Division of State Police within the Department of
16 Emergency Services and Public Protection or an organized local police
17 department.

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

47 minimum hours of training for the other classes of inspectors and
48 investigators, which shall recognize the varying involvements of such
49 officials. Each local fire official shall attend such training programs or
50 other approved programs of training and present proof of successful
51 completion to the State Fire Marshal. The State Fire Marshal may, after
52 notice and opportunity for hearing, and with the participation of one
53 or more members of the Fire Marshal Training Council, revoke any
54 certificate issued under the provisions of this subsection for failure on
55 the part of a local fire official to present such proof. Any [appointed]
56 local fire marshal, deputy fire marshal or other inspector or
57 investigator who wishes to retire his or her certificate may apply to the
58 State Fire Marshal and the Codes and Standards Committee to have
59 such certificate retired and be issued a certificate of emeritus. Such
60 retired local fire official may no longer hold himself or herself out as a
61 certified local fire official.

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

77 [(c)] (d) Except as provided in this subsection, each certified deputy
78 fire marshal, fire inspector or other inspector or investigator shall act
79 under the direction and supervision of the local fire marshal while

80 enforcing [the Fire Safety Code and] the provisions of part II of this
81 chapter. The local fire marshal may authorize, in writing, such deputy
82 fire marshal or fire inspector to issue any permit or order under the
83 provisions of this part or to certify compliance with the provisions of
84 [the Fire Safety Code] part II of this chapter, on his behalf. If no local
85 fire marshal has been appointed in accordance with the provisions of
86 section 29-297, as amended by this act, the deputy fire marshal or
87 acting fire marshal shall assume the authority granted to the local fire
88 marshal under this section."