

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-256—sSB 929

Public Safety and Security Committee

Government Administration and Elections Committee

Judiciary Committee

**AN ACT TRANSFERRING CERTAIN FUNCTIONS AND OPERATIONS
OF THE DEPARTMENT OF CONSTRUCTION SERVICES,
REGULATING SPECIAL EFFECTS DISPLAYS AND REVISING ROOF
PITCH REQUIREMENTS FOR SCHOOLS**

SUMMARY: This act makes changes affecting (1) the functions and operations of the departments of Emergency Services and Public Protection (DESPP) and Construction Services (DCS), (2) regulation of special effects displays, and (3) roof pitch on school buildings.

The act returns statutory responsibility for regulating rocketry, explosives and blasting agents, and fireworks and special effects to DESPP from DCS. DESPP regulated these areas before the 2011 agency consolidations and continues to do so under a memorandum of understanding with DCS.

The act makes conforming changes, replacing the (1) authority of the state fire marshal, whose office is within DCS, with the DESPP commissioner's authority with regard to regulating fireworks and special effects and (2) DCS commissioner's authority with the DESPP commissioner's authority in the other areas of regulation. In another conforming change, the act takes the regulations pertaining to rocketry out of the state fire prevention code, which is enforced by the state fire marshal, to reflect DESPP's restored authority to regulate rocketry. It returns to DESPP jurisdiction statutes on model rocketry that were to expire on January 1, 2015. Overall, the changes affect procurement, manufacture, transportation, storage, sales, and use of the products.

The act creates a mechanism for regulating all supervised uses or displays of special effects produced by pyrotechnics or flame-producing devices, which includes DESPP permitting and competency certification, local site inspection, fees, and criminal penalties. It thereby extends regulation to (1) outdoor use and (2) flame-producing devices.

With regard to roof pitch, the act changes the minimum roof pitch required for school roofs to be eligible for a state reimbursement from ½ inch per foot to the standard in the State Building Code, which is currently ¼ inch per foot. Prior law authorized the ¼ inch pitch in some circumstances.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013, except the (1) roof pitch provision and a technical change related to the reinstatement of the model rocketry provisions are effective upon passage and (2) provisions reinstating the model rocketry provisions are effective January 1, 2015.

REGULATION OF PYROTECHNICS AND SPECIAL EFFECTS

Existing law requires operators to have a state permit to use pyrotechnics, sparklers, and fountains indoors for special effects. This act also requires them to have a permit for supervised displays, whether indoors or outdoors. It also extends the permit requirement to flame-producing devices used to produce special effects.

As is the case with the existing permit for indoor use, the act applies to municipalities, fair associations, amusement parks, other organizations or groups of individuals, and groups of individuals or artisans pursuing their trade.

Permit Application

An applicant for a permit to display special effects must submit a written DESPP application at least 15 days before the display date, or upon such notice as the DESPP commissioner prescribes in regulation. DESPP cannot issue the permit until the:

1. fire marshal for the municipality where the display is to be held inspects the display site and determines that it complies with regulations and
2. police and fire chiefs or, where there are none, the municipality's chief executive officer, approves the site. The display must be of a character and so located, discharged, or fired as, in the officials' opinion, after proper inspection, not to be hazardous to property or endanger anyone.

The permit is valid only for the event and cannot be transferred. The commissioner may suspend or revoke it for violation of any law, regulation, or ordinance dealing with special effects.

The permit fee is \$100, payable to the state treasurer.

Regulations, Exemptions, and Variations

The act requires the DESPP commissioner to adopt regulations for issuing permits for supervised display of special effects, except the use of minimal amounts of pyrotechnics or flame-producing devices in ceremonial activities. The regulations must include provisions for determining the competence of anyone intending to discharge or fire such special effects.

The commissioner may grant, in writing, variations or exemptions from, or approve equivalent or alternative compliance with, particular provisions of the regulations if strict compliance would entail practical difficulty or unnecessary hardship or is otherwise considered unwarranted. Any variation, exemption, or equivalent or alternative compliance must, in his opinion, secure the public safety.

The act's provisions are substantially similar to those governing indoor use and display of special effects under existing law. For example, the act requires anyone handling, discharging, or firing pyrotechnic or flame-producing devices for special effects use or display to be supervised by someone who has a DESPP competency certificate attesting to his or her competence to supervise the handling, discharge, or firing of special effects. But the act does not appear to extend to the outdoor use and display of special effects the liability insurance required for the use of pyrotechnics for indoor special effects (CGS § 29-359).

OLR PUBLIC ACT SUMMARY

The certificate costs \$200 and is renewable every three years for \$190. The fees are payable to the state treasurer. The certificate is not transferable and the DESPP commissioner may suspend or revoke it for cause.

Violations and Penalties

A violation of the act's new permit or certificate requirements is a class A misdemeanor (see Table on Penalties). But if death or injury results from the violation, it is a class C felony.

Non-resident firms, corporations, or persons applying for a permit must appoint, in writing, the secretary of the state to be the attorney on whom process must be served in any action against them.

ROOF PITCH

Under prior law, a school roof pitch had to be at least $\frac{1}{2}$ inch per foot to be eligible for state reimbursement. But the DCS commissioner could allow $\frac{1}{4}$ inch per foot for a total roof replacement if the:

1. reduction would not impede drainage or cause pooling of water that may leak into the building to a greater degree than that of a roof with a minimum $\frac{1}{2}$ inch per foot,
2. cost of the $\frac{1}{2}$ inch pitch would be substantially greater,
3. $\frac{1}{2}$ inch pitch would take substantially longer to replace, and
4. building would have to be substantially rebuilt to support a $\frac{1}{2}$ inch pitch.

The act changes the minimum roof pitch to the standard used in the State Building Code, which is $\frac{1}{4}$ inch per foot.

BACKGROUND

Related Act

PA 13-277 eliminates DCS and transfers its functions to the Department of Administrative Services, effective July 1, 2013.

OLR Tracking: VR:JKL:PF:RO