



General Assembly

February Session, 2014

Raised Bill No. 5150

LCO No. 540



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 Section 29-298 of the general statutes is repealed and the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, 2014*):

3 (a) The State Fire Marshal and the [Codes and Standards
4 Committee] Fire Marshal Training Council, acting jointly, shall adopt
5 minimum standards of qualification for local fire marshals, deputy fire
6 marshals, fire inspectors and such other classes of inspectors and
7 investigators as they deem necessary. For local fire marshals, deputy
8 fire marshals and fire inspectors, such standards shall include a
9 requirement that the person has at least three years' experience (1) in
10 fire suppression or fire prevention activities, (2) in responding and
11 controlling releases or potential releases of hazardous materials, (3) in
12 inspection activities concerning the fire safety or prevention code or
13 hazardous materials, (4) in the investigation of the cause and origin of
14 fires and explosions, or (5) as a sworn member of the Division of State
15 Police within the Department of Emergency Services and Public
16 Protection or an organized local police department.

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

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

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

79 [(c)] (d) Except as provided in this subsection, each certified deputy
80 fire marshal, fire inspector or other inspector or investigator shall act
81 under the direction and supervision of the local fire marshal while
82 enforcing [the Fire Safety Code and] the provisions of part II of this
83 chapter. The local fire marshal may authorize, in writing, such deputy

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

91 Sec. 2. Section 29-297 of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

110 (b) The board of fire commissioners or, in the absence of such board,
111 any corresponding authority of each town, city or borough or, if no
112 such board or corresponding authority exists, the legislative body of
113 each city, the board of selectmen of each town or the warden and
114 burgesses of each borough or, in the case of an incorporated fire
115 district, the executive authority of such district may, upon the death,

116 disability, dismissal, retirement or revocation of certification of the
117 local fire marshal, and in the absence of an existing deputy fire
118 marshal, appoint a certified deputy fire marshal as the acting fire
119 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, 2014</i>	29-298
Sec. 2	<i>October 1, 2014</i>	29-297

Statement of Purpose:

To require the State Fire Marshal and the Fire Marshal Training Council to (1) certify certain fire safety officials, (2) establish experience requirements for these officials, and (3) recognize training programs offered by private institutions.

[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.]