
OLR Bill Analysis

sHB 5150

AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.

SUMMARY:

This bill requires fire officials (fire marshals, investigators, and inspectors) to be certified to perform their duties when they successfully complete certification requirements. In doing so, it eliminates one step in the two-step certification process and makes the process the same as the one for certifying building officials. The bill also codifies the current practice of the state fire marshal and Codes and Standards Committee (CSC) for jointly certifying fire officials.

To qualify for certification, it requires fire marshals and fire inspectors to have at least three years' experience in fire, hazardous material, or police work, or equivalent experience as determined by the Department of Administrative Services (DAS) commissioner. It allows the state fire marshal and CSC to accept programs and training developed by private institutions, not just public agencies, as proof of qualification for certification.

The bill allows any fire official, not just appointed ones, to apply to CSC and the state fire marshal to retire his or her certificate and issue a certificate emeritus. By law, the retiree may no longer hold himself or herself out as certified.

Under current law, a town's board of fire commissioners (or other specified appointed authority, where there is no board) appoints local fire marshals and deputy fire marshals. In practice, such boards also appoint other fire investigators and fire inspectors. The bill updates the statutes by codifying current practice.

The bill makes technical changes to reflect fire officials' enforcement authority under the State Fire Prevention Code.

EFFECTIVE DATE: October 1, 2014

FIRE OFFICIALS

Certification

The law requires fire marshals, investigators, and inspectors to be certified before they are appointed or hired. Under current law's two-step certification process, a fire official who completes the required training, education, or examination program must (1) first be certified by CSC and the state fire marshal as "eligible to be certified" and (2) then be certified as a fire marshal. The law does not say when or by whom the fire marshal must be certified. In practice, CSC and the state fire marshal jointly certify the fire marshal after the town appoints or hires him or her (see BACKGROUND).

The bill eliminates the eligibility certification, instead requiring that the person be certified (1) as a fire official upon program or training completion and (2) by CSC and the state fire marshal.

Experience

Existing law requires CSC and the state fire marshal to jointly adopt minimum qualification standards for local fire marshals, deputy fire marshals, fire inspectors, and other classes of inspectors and investigators they deem necessary.

Under the bill, the standards for fire marshals and fire inspectors must include at least three years' experience:

1. suppressing or preventing fires;
2. responding to, and controlling, hazardous material releases or potential releases;
3. inspecting activities concerning the fire safety or prevention code or hazardous material;
4. investigating the cause and origin of fires and explosions; or
5. working as a police officer.

Alternatively, the person must have equivalent experience as

determined by the DAS commissioner.

BACKGROUND

Certification Process for Fire Officials

By law, a person must be certified to be hired or appointed as a fire official. But under current practice, a person cannot participate in the certification program or training unless he or she is appointed or hired. In practice, the town gives the prospective official a letter of intent to employ, which allows participation. After the person completes the program or training, the state fire marshal and CSC certify him or her as “eligible to be certified” as a fire marshal. At this point, the town appoints the individual as a fire marshal, after which the CSC and state fire marshal certify him or her as a fire marshal. The certification after appointment conflicts with the prohibition on employing a fire marshal who is not certified.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/11/2014)