



House of Representatives

General Assembly

File No. 79

February Session, 2014

Substitute House Bill No. 5150

House of Representatives, March 25, 2014

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 Section 29-298 of the general statutes is repealed and the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

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. For
7 local fire marshals, deputy fire marshals and fire inspectors, such
8 standards shall include a requirement that the person has (1) at least
9 three years' experience (A) in fire suppression or fire prevention
10 activities, (B) in responding and controlling releases or potential
11 releases of hazardous materials, (C) in inspection activities concerning
12 the fire safety or prevention code or hazardous materials, (D) in the
13 investigation of the cause and origin of fires and explosions, or (E) as a
14 sworn member of the Division of State Police within the Department of

15 Emergency Services and Public Protection or an organized local police
16 department, or (2) equivalent experience as determined by the
17 Commissioner of Administrative Services.

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.

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 Section 29-297 of the general statutes is repealed and the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

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

108 (b) The board of fire commissioners or, in the absence of such board,
109 any corresponding authority of each town, city or borough or, if no
110 such board or corresponding authority exists, the legislative body of
111 each city, the board of selectmen of each town or the warden and
112 burgesses of each borough or, in the case of an incorporated fire
113 district, the executive authority of such district may, upon the death,
114 disability, dismissal, retirement or revocation of certification of the
115 local fire marshal, and in the absence of an existing deputy fire
116 marshal, appoint a certified deputy fire marshal as the acting fire

117 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

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 (1) makes certain changes to certification requirements of fire officials and (2) requires the state fire marshal and Codes and Standards Committee to jointly certify fire officials. This does not result in a fiscal impact as this codifies current practice.

The Out Years

State Impact: None

Municipal Impact: None

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)