



# Senate

General Assembly

**File No. 304**

January Session, 2017

Senate Bill No. 890

*Senate, March 29, 2017*

The Committee on Public Safety and Security reported through SEN. LARSON of the 3rd Dist. and SEN. GUGLIELMO of the 35th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE STATE FIRE PREVENTION CODE AND LICENSES FOR DEMOLITION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 29-291a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2017*):

4 (a) The State Fire Marshal, in coordination with the advisory  
5 committee established under subsection (b) of this section and in  
6 accordance with the provisions of section 29-291e, shall adopt and  
7 administer a State Fire Prevention Code based on a nationally  
8 recognized fire prevention code. [Said] The code shall be used to  
9 enhance the enforcement capabilities of local fire marshals and for the  
10 purposes of prevention of fire and other related emergencies. [Said]  
11 The code shall be revised as deemed necessary to incorporate any  
12 subsequent revisions to the code not later than eighteen months

13 following the date of first publication of such revisions. The code shall  
14 include provisions for oil burners, flammable and combustible liquids,  
15 gas equipment and piping, liquefied gas and liquefied natural gas and  
16 hazardous chemicals.

17 Sec. 2. Section 29-313 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective July 1, 2017*):

19 (a) No fire extinguishing agent used in a fire extinguisher or fire  
20 extinguishing device may contain an active ingredient having a level of  
21 toxicity equal to or greater than the vapors of carbon tetrachloride or  
22 chlorobromomethane or the thermal decomposition products resulting  
23 therefrom.

24 (b) No fire extinguisher or fire extinguishing device containing an  
25 active agent having a level of toxicity equal to or greater than the  
26 vapors of carbon tetrachloride or chlorobromomethane or the thermal  
27 decomposition products resulting therefrom shall be used or installed  
28 for use in any school bus or motor vehicle used for the transportation  
29 of passengers for hire. The owner or operator of any such bus or  
30 vehicle who violates any provision of this subsection shall be fined not  
31 more than two hundred dollars or imprisoned not more than three  
32 months, or both.

33 (c) Any person who sells, offers for sale or gives to another any fire  
34 extinguisher or fire extinguishing device, containing or designed to  
35 contain an active agent having an ingredient prohibited by subsection  
36 (a) of this section shall be subject to the penalties prescribed by section  
37 29-295.

38 [(d) The Commissioner of Administrative Services shall adopt  
39 regulations, in accordance with the provisions of section 29-291e, to  
40 prescribe requirements and specifications for the installation or use of  
41 fire extinguishers and extinguishing agents. Such regulations shall be  
42 incorporated into the State Fire Prevention Code. In adopting such  
43 regulations, the commissioner may adopt by reference standards  
44 concerning the selection, installation, maintenance, design and testing

45 of portable fire extinguishing equipment and extinguishing agents as  
46 set forth by the National Fire Protection Association.]

47 Sec. 3. Subsections (b) and (c) of section 29-402 of the general  
48 statutes are repealed and the following is substituted in lieu thereof  
49 (*Effective July 1, 2017*):

50 (b) No person shall engage in the business of demolition of  
51 buildings without a license obtained from the Department of  
52 Administrative Services. An applicant for an initial license shall file an  
53 application with the Department of Administrative Services, furnish  
54 evidence of expertise [and financial responsibility] and pay a fee of  
55 four hundred forty dollars for a class B license and nine hundred forty  
56 dollars for a class A license. Each license shall be valid for twelve  
57 months from date of issuance and shall be renewable on application of  
58 the licensee upon payment of an annual fee of two hundred fifty  
59 dollars for a class B license and seven hundred fifty dollars for a class  
60 A license. The department may refuse to issue any such license for  
61 cause, and may revoke or refuse to renew any such license for failure  
62 to carry out and conform to the provisions of this part or to any  
63 regulations adopted hereunder, or for any violation of title 22a. No  
64 person shall be refused a license or a renewal thereof, and no license  
65 shall be revoked, without an opportunity for a hearing conducted by  
66 the Department of Administrative Services in accordance with the  
67 provisions of chapter 54.

68 (c) The provisions of this section shall not apply to (1) a person who  
69 is engaged in the disassembly, transportation and reconstruction of  
70 historic buildings for historical purposes, in the demolition of farm  
71 buildings, in the renovation, alteration or reconstruction of a single-  
72 family residence or in the disassembly of nonstructural building  
73 materials of a building for the purpose of reusing or recycling such  
74 building materials, (2) the removal of underground petroleum storage  
75 tanks, (3) the burning of a building or structure as part of an organized  
76 fire department training exercise, [or] (4) the deconstruction or  
77 disassembly of swimming pools, or (5) the demolition of a single-

78 family residence or outbuilding by an owner of such structure if it does  
79 not exceed a height of thirty feet, provided (A) the owner shall be  
80 present on site while such demolition work is in progress and shall be  
81 held personally liable for any injury to individuals or damage to public  
82 or private property caused by such demolition, and (B) such  
83 demolition shall be permitted only with respect to buildings which  
84 have clearance from other structures, roads or highways equal to or  
85 greater than the height of the structure subject to demolition. The local  
86 building official may require additional clearance when deemed  
87 necessary for safety.

88 Sec. 4. Subdivision (11) of subsection (c) of section 19a-343 of the  
89 general statutes is repealed and the following is substituted in lieu  
90 thereof (*Effective July 1, 2017*):

91 (11) Fire safety violations under section 29-292, subsection (b) of  
92 section 29-310, or section 29-315, [29-320, 29-329, 29-337,] 29-349 or 29-  
93 357.

94 Sec. 5. Subdivision (5) of section 22a-448 of the general statutes is  
95 repealed and the following is substituted in lieu thereof (*Effective July*  
96 *1, 2017*):

97 (5) "Solid, liquid or gaseous products" means any substance or  
98 material including, but not limited to, hazardous chemicals, flammable  
99 liquids, [as defined in section 29-320,] explosives as defined in section  
100 29-343, liquefied petroleum gas, as defined in section 43-36, hazardous  
101 materials designated in accordance with the Hazardous Materials  
102 Transportation Act, 49 USC 1801 et seq. and hazardous substances  
103 designated in accordance with Section 311 of the federal Water  
104 Pollution Control Act;

105 Sec. 6. Sections 29-304, 29-317, 29-320, 29-329, 29-331, 29-337, 29-390  
106 and 29-391 of the general statutes are repealed. (*Effective July 1, 2017*)

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2017</i>	29-291a(a)
Sec. 2	<i>July 1, 2017</i>	29-313
Sec. 3	<i>July 1, 2017</i>	29-402(b) and (c)
Sec. 4	<i>July 1, 2017</i>	19a-343(c)(11)
Sec. 5	<i>July 1, 2017</i>	22a-448(5)
Sec. 6	<i>July 1, 2017</i>	Repealer section

**PS**      *Joint Favorable*

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.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which amends the statutes regarding the State Fire Prevention Code by making some technical changes and deleting some obsolete provisions, has no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 890*****AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE STATE FIRE PREVENTION CODE AND LICENSES FOR DEMOLITION.*****SUMMARY**

This bill repeals several statutes that direct the Department of Administrative Services (DAS) commissioner to adopt regulations to address certain fire hazard elements. Many of the repealed statutes predate the state Fire Prevention Code, which now regulates these elements (Fire Prevention Code § 2.2 (2015)).

The bill also repeals (1) obsolete statutes that address the provision of exits in workshops and manufacturing establishments and mandate that the labor commissioner enforce fire prevention statutes related to these issues in such establishments and (2) a statute that imposes explicit liability on building owners whose noncompliance with these statutes results in injury or death. The Fire Prevention Code now addresses fire prevention issues, and the state fire marshal enforces the code.

The bill eliminates a requirement for the state fire marshal to annually certify to each municipality the number of fires investigated and reported by its local fire marshal and for the notified municipality to pay any nonsalaried fire marshal at least a \$2 fee for each of these fires. But fire marshals must still submit fire incident reports to the state fire marshal (CGS § 29-303; see BACKGROUND).

The bill exempts the deconstruction or disassembly of swimming pools from state licensing requirements.

It also makes technical and conforming changes.

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EFFECTIVE DATE: July 1, 2017

## **FIRE REGULATIONS**

### ***Fire Hazard Elements***

Under current law, DAS must adopt regulations, which must be incorporated in the state Fire Prevention Code, governing the following:

1. oil burners (CGS § 29-317),
2. flammable and combustible liquids (CGS § 29-320),
3. gas equipment and gas piping (CGS § 29- 329),
4. liquefied gas and liquefied natural gas (CGS § 29-331), and
5. hazardous chemicals (CGS § 29-337).

The bill repeals these statutes and instead specifies that the code must include provisions for these elements. The code incorporates various standards by reference and these subjects are already covered by the standards.

### ***Fire Sprinklers***

The bill repeals requirements for the commissioner to adopt regulations governing fire sprinklers and for the regulations to be incorporated in the Fire Prevention Code. Fire sprinkler requirements and specifications are already incorporated in the code.

## **SWIMMING POOL DECONSTRUCTION AND ASSEMBLY**

With limited exceptions, people engaged in the demolition business must get a DAS license and a permit from the town where the building or structure to be demolished is located. The act adds the deconstruction or disassembly of swimming pools to the following activities already exempt from licensure:

1. disassembly, transport, and reconstruction of historic buildings for historical purposes; demolition of farm buildings; or



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- renovation, alteration, or reconstruction of single-family homes;
  2. removal of underground petroleum storage tanks;
  3. burning of buildings or structures as part of an organized fire department training exercise;
  4. disassembling of nonstructural building material for reuse and recycling; and
  5. under certain circumstances, the demolition of single-family dwellings or outbuildings by owners.

The bill also eliminates a requirement for demolition license applicants to furnish to DAS evidence of financial responsibility. By law, unchanged by the bill, applicants must still provide evidence of financial responsibility to the municipality in which the demolition will take place in order to get a demolition permit (CGS § 29-406).

#### **MANUFACTURING ESTABLISHMENTS**

The bill eliminates obsolete provisions that:

1. specify building elements required in workshops or manufacturing establishments (exits, stairways, passageways, and fire escapes);
2. gives the labor commissioner authority to enforce the provisions and the laws pertaining to fire prevention in these establishments; and
3. impose penalties for noncompliance.

These provisions are incorporated in the Fire Prevention Code, and the labor commissioner is no longer responsible for enforcing fire prevention laws. The bill also eliminates a provision that (1) explicitly imposes liabilities on owners whose noncompliance with the statutes requiring appropriate exits results in injury or death and (2) prohibits, as a defense to such liability, claiming that the person who was injured

or died knew about the absent stairway or fire escape and still continued to work in or occupy the building.

**BACKGROUND**

***Fire Incident Reports***

The Connecticut Fire Incident Reporting Systems (CFIRS) is a statewide incident reporting system that collects, compiles, analyzes, and distributes statistical information reported by the Connecticut Fire Service from Fire Marshals and Fire Departments throughout the state. The data collected by CFIRS is based on the National Fire Incident Reporting System that all fire departments and fire marshals must use to document all incidents to which they respond.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 25    Nay 0    (03/15/2017)