



Senate

General Assembly

File No. 399

January Session, 2021

Substitute Senate Bill No. 845

Senate, April 12, 2021

The Committee on Public Safety and Security reported through SEN. BRADLEY of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, MEMBERSHIP OF THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, APPOINTMENT OF A TEMPORARY FIRE MARSHAL AND REPORTS FILED AFTER A FIRE, EXPLOSION OR OTHER FIRE EMERGENCY.

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

1 Section 1. Section 29-291a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

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

14 for oil burners, flammable and combustible liquids, gas equipment and
15 piping, liquefied gas and liquefied natural gas, [and] hazardous
16 chemicals and activities that occur on or within buildings and structures
17 regulated by the code. The code shall be applicable to all buildings and
18 structures constructed prior to January 1, 2006.

19 (b) There is established [an advisory committee] a Fire Prevention
20 Code Committee consisting of nine persons appointed by the State Fire
21 Marshal. The State Fire Marshal shall appoint two members [selected]
22 from a list of individuals submitted by the Codes and Standards
23 Committee from the membership of said committee and seven members
24 representing local fire marshals, deputy fire marshals and fire inspectors
25 selected from a list of individuals submitted by the Connecticut Fire
26 Marshals Association. The committee shall adopt regulations, in
27 accordance with the provisions of chapter 54, to govern the procedure
28 of the committee.

29 (c) The State Fire Marshal may issue official interpretations of the
30 State Fire Prevention Code, including interpretations of the applicability
31 of any provision of the code, upon the request of any person. The State
32 Fire Marshal shall compile and index each interpretation and shall
33 publish such interpretations at periodic intervals not exceeding four
34 months.

35 Sec. 2. Section 29-291c of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2021*):

37 (a) When the State Fire Marshal or a local fire marshal ascertains that
38 there exists in any building, or upon any premises, a condition that
39 violates the State Fire Prevention Code or Fire Safety Code, the State Fire
40 Marshal or local fire marshal shall order such condition remedied by the
41 owner or occupant of such building or premises. Any such remedy shall
42 be in conformance with all building codes, ordinances, rules and
43 regulations of the municipality involved. Such owner or occupant shall
44 be subject to the penalties prescribed by subsection (e) of this section
45 and, in addition, may be fined fifty dollars a day for each day's
46 continuance of each violation, to be recovered in a proper action in the

47 name of the state.

48 (b) Upon failure of an owner or occupant to abate or remedy a
49 violation pursuant to subsection (a) of this section within a reasonable
50 period of time specified by the State Fire Marshal or the local fire
51 marshal, the local fire marshal shall promptly notify, in writing, the
52 prosecuting attorney having jurisdiction in the municipality in which
53 such violation or condition exists of all of the relevant facts. The local
54 fire marshal may request the chief executive officer, any official of the
55 municipality authorized to institute actions on behalf of the
56 municipality in which the hazard exists or the State Fire Marshal, to
57 apply to any court of equitable jurisdiction for an injunction against
58 such owner or occupant for the purpose of closing or restricting from
59 public service or use the place or premises containing the violation or
60 condition until the violation or condition has been remedied, or the State
61 Fire Marshal may apply for such an injunction without such request.

62 (c) The State Fire Marshal or any local fire marshal empowered to
63 enforce the State Fire Prevention Code or Fire Safety Code may, as an
64 alternative to issuing an order pursuant to subsection (a) of this section,
65 give the owner or occupant a written citation for any violation of the
66 [State Fire Prevention Code] applicable code. No such citation may be
67 issued if the owner or occupant has been previously issued a citation for
68 the same violation by the State Fire Marshal or the local fire marshal
69 within six months prior to the current violation. Such citation shall
70 contain the name and address, if known, of the owner or occupant, the
71 specific offense charged and the time and place of the violation. The
72 citation shall be signed by the State Fire Marshal or local fire marshal
73 and shall be signed by the owner or occupant in acknowledgment that
74 such citation has been received. The State Fire Marshal or local fire
75 marshal shall, if practicable, deliver a copy of the citation to the owner
76 or occupant at the time and place of the violation or shall use some other
77 reasonable means of notification. Any person who is issued a citation
78 for violation of any provision of the State Fire Prevention Code or Fire
79 Safety Code in accordance with this subsection shall be fined not more
80 than two hundred fifty dollars.

81 (d) If a local fire marshal issues a citation pursuant to subsection (c)
82 of this section, the state shall remit to the municipalities in which the
83 violations occurred ninety per cent of the proceeds of the fine and shall
84 remit to the State Treasurer the remaining ten per cent. If the State Fire
85 Marshal issues a citation pursuant to said subsection, the state shall
86 remit to the State Treasurer the entire proceeds of the fine. Each clerk of
87 the Superior Court or the Chief Court Administrator, on or before the
88 thirtieth day of January, April, July and October in each year, shall
89 certify to the Comptroller the amount due for the previous quarter
90 under this subsection to each municipality served by the office of the
91 clerk or official.

92 (e) In addition to the fine prescribed in subsection (a) of this section,
93 any person who violates any provision of the State Fire Prevention Code
94 or Fire Safety Code shall be fined not less than two hundred dollars or
95 more than one thousand dollars or be imprisoned not more than six
96 months, or both.

97 Sec. 3. Section 29-291d of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective July 1, 2021*):

99 The State Fire Marshal shall review a decision by a local fire marshal
100 upon the request of any person determined to have the right to appeal
101 or when the State Fire Marshal has reason to believe that such official
102 has misconstrued or misinterpreted any provision of the State Fire
103 Prevention Code adopted pursuant to section 29-291a, as amended by
104 this act. If upon review and after consultation with such official the State
105 Fire Marshal determines that a provision of the code has been
106 misconstrued or misinterpreted, the State Fire Marshal shall issue an
107 interpretation of such code and may issue any order the State Fire
108 Marshal deems appropriate. Any such determination or order shall be
109 in writing and sent to such local fire marshal by registered mail, return
110 receipt requested. Any person aggrieved by a decision made by the State
111 Fire Marshal in accordance with this section or a decision of the State
112 Fire Marshal relating to the enforcement of the State Fire Prevention
113 Code may appeal such decision to the Fire Prevention Code Committee,

114 established pursuant to subsection (b) of section 29-291a, as amended
115 by this act, not later than fourteen days after receipt of such decision by
116 such aggrieved person. Any hearing held by said committee shall be
117 held in accordance with the provisions of chapter 54. Any person
118 aggrieved by any ruling of the Fire Prevention Code Committee may
119 appeal to the superior court for the judicial district where the premises
120 concerned are located.

121 Sec. 4. Section 29-291e of the general statutes is repealed and the
122 following is substituted in lieu thereof (*Effective July 1, 2021*):

123 (a) For the purposes of this section, "proposed code" means a
124 proposal by the State Fire Marshal, in coordination with the [advisory
125 committee] Fire Prevention Code Committee for a new State Fire
126 Prevention Code or for a change in, addition to or repeal of any
127 provision of the State Fire Prevention Code and ["advisory committee"
128 means the advisory committee] "Fire Prevention Code Committee"
129 means the committee established under subsection (b) of section 29-
130 291a, as amended by this act.

131 (b) Notwithstanding the provisions of chapter 54, the adoption of the
132 State Fire Prevention Code and any amendments thereto shall not be
133 required to comply with the provisions of chapter 54, except as provided
134 in this section.

135 (c) Prior to the adoption of the State Fire Prevention Code and any
136 amendments thereto, the State Fire Marshal shall (1) post any proposed
137 code, a statement of purpose for which the proposed code is proposed,
138 a fiscal note associated with compliance with the proposed code
139 prepared pursuant to section 4-168 and a regulatory flexibility analysis
140 prepared pursuant to section 4-168a on the Internet web site of the
141 Department of Administrative Services, (2) give notice electronically to
142 the joint standing committee of the General Assembly having
143 cognizance of matters relating to public safety and security, (3) give
144 notice to any person who has requested the State Fire Marshal for
145 advance notice of the proposed code adoption proceedings, (4) provide
146 for a public comment period of forty-five days following the posting of

147 such proposed code, fiscal note and regulatory flexibility analysis, and
148 (5) hold a public hearing on the proposed code not less than twenty nor
149 more than thirty-five days after such posting.

150 (d) After the close of the public comment period, the State Fire
151 Marshal, in coordination with the [advisory committee] Fire Prevention
152 Code Committee, shall respond to each written and oral comment
153 respecting the proposed code received during the public comment
154 period and at the public hearing. Such response shall include any
155 change made to the proposed code if applicable, and the rationale for
156 such change. The State Fire Marshal shall post such response on the
157 Internet web site of the Department of Administrative Services not later
158 than thirty days after the close of the public comment period.

159 (e) The State Fire Marshal, in coordination with the [advisory
160 committee] Fire Prevention Code Committee, shall create and maintain
161 a code-making record for each proposed code, submit such code-
162 making record electronically to the standing legislative regulation
163 review committee and the joint standing committee of the General
164 Assembly having cognizance of matters relating to public safety and
165 security, and post such code-making record on the Internet web site of
166 the Department of Administrative Services. Such code-making record
167 shall include, but need not be limited to: (1) The final wording of the
168 proposed code in a format consistent with a nationally recognized
169 model building code, (2) the fiscal note prepared pursuant to subsection
170 (c) of this section, (3) the regulatory flexibility analysis prepared
171 pursuant to subsection (c) of this section, (4) all written and oral
172 comments received during the public comment period, and (5) the
173 response to such comments prepared pursuant to subsection (d) of this
174 section.

175 (f) The standing legislative regulation review committee shall have
176 not more than forty-five days from the date the code-making record is
177 submitted to the committee pursuant to subsection (e) of this section to
178 convene a meeting to approve, disapprove or reject without prejudice
179 the proposed code, in whole or in part. If the proposed code is

180 withdrawn, the State Fire Marshal shall resubmit the proposed code and
181 the committee shall have not more than forty-five days from the date of
182 such resubmittal to convene a meeting to approve, disapprove or reject
183 without prejudice the resubmitted proposed code. If the committee
184 notifies the State Fire Marshal in writing that it is waiving its right to
185 convene a meeting or does not act on a proposed code or a resubmitted
186 proposed code, as the case may be, within such forty-five-day period,
187 the proposed code or resubmitted proposed code shall be deemed to be
188 approved by the committee.

189 (g) If the committee disapproves a proposed code, in whole or in part,
190 the committee shall notify the State Fire Marshal of the disapproval and
191 the reasons for the disapproval. The State Fire Marshal shall not take
192 any action to implement such disapproved code, except that the State
193 Fire Marshal may submit a substantively new proposed code in
194 accordance with the provisions of this section, provided the General
195 Assembly may reverse such disapproval in accordance with the
196 provisions of section 4-171.

197 (h) If the committee rejects a proposed code without prejudice, in
198 whole or in part, the committee shall notify the State Fire Marshal of the
199 reasons for the rejection and the State Fire Marshal shall resubmit the
200 proposed code in revised form to the committee not later than thirty
201 days after the date of rejection without prejudice. Each resubmission of
202 the proposed code under this subsection shall include a summary of any
203 revisions to the proposed code. The committee shall have not more than
204 forty-five days after the receipt of the resubmittal to review and take
205 action on such resubmitted proposed code in the same manner as
206 provided in subsection (f) of this section.

207 (i) The State Fire Prevention Code or any amendment thereto
208 approved or deemed approved by the committee pursuant to subsection
209 (f) of this section is effective and enforceable against any person or party
210 upon its posting on the Internet web site of the Department of
211 Administrative Services, except that: (1) If a later date is required by
212 statute or specified in the code, the later date is the effective date, and

213 (2) a code may not be effective before the effective date of the public act
214 requiring or permitting the code. Such posting shall include a statement
215 by the State Fire Marshal certifying that the electronic copy of the code
216 is a true and accurate copy of the code approved or deemed approved
217 in accordance with subsection (f) of this section. The electronic copy of
218 the State Fire Prevention Code posted on the Internet web site of the
219 Department of Administrative Services shall be the official version for
220 all purposes, including all legal and administrative proceedings.

221 (j) No provision of the State Fire Prevention Code or any amendment
222 thereto adopted after May 31, 2016, is valid unless adopted in
223 substantial compliance with the requirements of this section. A
224 proceeding to contest any provision of the code on the ground of
225 noncompliance with the requirements of this section shall be
226 commenced within two years from the effective date of the code.

227 (k) The State Fire Marshal shall advise the public concerning how to
228 obtain a copy of the State Fire Prevention Code and any amendments
229 thereto.

230 Sec. 5. Section 29-292 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective July 1, 2021*):

232 (a) [(1)] The State Fire Marshal and the Codes and Standards
233 Committee shall adopt and administer a Fire Safety Code and at any
234 time may amend the same in accordance with the provisions of section
235 29-292a. The code shall be based on [a] nationally recognized model fire
236 [code] and life safety codes and shall be revised as deemed necessary to
237 incorporate advances in technologies and improvements in construction
238 materials and any subsequent revisions to the [code] nationally
239 recognized model fire and life safety codes not later than eighteen
240 months following the date of first publication of such revisions to the
241 [code] codes, unless the State Fire Marshal and the committee certify
242 that a revision is not necessary for such purpose. The [regulations in
243 said] code shall provide for reasonable safety from fire, smoke and panic
244 therefrom, in all buildings, structures and areas adjacent [thereto] to
245 such buildings and structures, constructed on and after January 1, 2006,

246 except in private dwellings occupied by one or two families and upon
247 all premises, and shall include provision for [(A)] (1) carbon monoxide
248 detection and warning equipment in [(i)] (A) new residential buildings
249 not exempt under [regulations] the Fire Safety Code adopted pursuant
250 to this subsection and designed to be occupied by one or two families
251 for which a building permit for new occupancy is issued on or after
252 October 1, 2005, and [(ii)] (B) all public or nonpublic school buildings,
253 and [(B)] (2) smoke detection and warning equipment in [(i)] (A)
254 residential buildings designed to be occupied by two or more families,
255 [(ii)] (B) new residential buildings designed to be occupied by one
256 family for which a building permit for new occupancy is issued on or
257 after October 1, 1978, requiring equipment complying with the Fire
258 Safety Code, [and (iii)] (C) new residential buildings designed to be
259 occupied by one or more families for which a building permit for new
260 occupancy is issued on or after October 1, 1985, requiring equipment
261 capable of operation using alternating current and batteries, and (D)
262 residential buildings designed to be occupied by one or more families
263 when a smoke detection and warning system is installed or replaced and
264 new residential buildings designed to be occupied by one or more
265 families for which a building permit for new occupancy is issued on or
266 after July 1, 2021, requiring equipment capable of operation using any
267 power source permitted in the standards adopted in the Fire Safety
268 Code.

269 [(2) Said regulations shall provide the requirements for markings and
270 literature which shall accompany such equipment sufficient to inform
271 the occupants and owners of such buildings of the purpose, protective
272 limitations and correct installation, operating, testing, maintenance and
273 replacement procedures and servicing instructions for such equipment
274 and shall require that smoke detection and warning equipment which
275 is installed in such residential buildings shall be capable of sensing
276 visible or invisible smoke particles, that the manner and location of
277 installing smoke detectors shall be approved by the local fire marshal or
278 building official, that such installation shall not exceed the standards
279 under which such equipment was tested and approved and that such
280 equipment, when activated, shall provide an alarm suitable to warn the

281 occupants, provided each hotel, motel or inn shall install or furnish such
282 equipment which, when activated, shall provide a visible alarm suitable
283 to warn occupants, in at least one per cent of the units or rooms in such
284 establishment having one hundred or more units or rooms and in
285 establishments having less than one hundred units or rooms, it shall
286 install or furnish at least one such alarm.

287 (3) Said regulations shall (A) provide the requirements and
288 specifications for the installation and use of carbon monoxide detection
289 and warning equipment and shall include, but not be limited to, the
290 location, power requirements and standards for such equipment and
291 exemptions for buildings that do not pose a risk of carbon monoxide
292 poisoning due to sole dependence on systems that do not emit carbon
293 monoxide; (B) provide the requirements for testing and inspecting
294 carbon monoxide detection and warning equipment installed in public
295 or nonpublic school buildings and shall include, but not be limited to,
296 the frequency with which such equipment shall be tested and inspected;
297 (C) require that, for a public or nonpublic school building, (i) any carbon
298 monoxide detection equipment installed in any such building meet or
299 exceed Underwriters Laboratories Standard Number 2075, or (ii) any
300 carbon monoxide warning equipment installed in any such building
301 meet or exceed Underwriters Laboratories Standard Number 2034; (D)
302 require the installation and maintenance of such detection or warning
303 equipment to comply with the manufacturer's instructions and with the
304 standards set forth by the National Fire Protection Association; and (E)
305 prohibit, for public and nonpublic school buildings for which a building
306 permit for new occupancy is issued on or after January 1, 2012, the
307 installation of any battery-operated carbon monoxide warning
308 equipment or any plug-in carbon monoxide warning equipment that
309 has a battery as its back-up power source.]

310 (b) (1) No certificate of occupancy shall be issued for any residential
311 building designed to be occupied by two or more families, or any new
312 residential building designed to be occupied by one or more families for
313 which a building permit for new occupancy is issued on or after October
314 1, 1978, unless the local fire marshal or building official has certified that

315 such building is equipped with smoke detection and warning
316 equipment complying with the Fire Safety Code and the State Building
317 Code.

318 (2) No certificate of occupancy shall be issued for any (A) new
319 residential building not exempt under [regulations adopted pursuant to
320 subsection (a) of this section and designed to be occupied by one or two
321 families] the Fire Safety Code for which a building permit for new
322 occupancy is issued on or after October 1, 2005, or (B) public or
323 nonpublic school building for which a building permit for new
324 occupancy is issued on or after January 1, 2012, unless the local fire
325 marshal or building official has certified that such residential or school
326 building is equipped with carbon monoxide detection and warning
327 equipment complying with the Fire Safety Code and the State Building
328 Code.

329 (c) (1) No municipality, local or regional board of education, or
330 supervisory agent of a nonpublic school, and (2) no employee, officer or
331 agent of such municipality, board of education or supervisory agent
332 acting without malice, in good faith and within the scope of his or her
333 employment or official duties shall be liable for any damage to any
334 person or property resulting from the failure to detect carbon monoxide
335 within a public school building, provided carbon monoxide detection
336 equipment is installed and maintained in accordance with the
337 manufacturer's published instructions and with the [regulations] Fire
338 Safety Code established pursuant to this section.

339 Sec. 6. Section 29-293 of the general statutes is repealed and the
340 following is substituted in lieu thereof (*Effective July 1, 2021*):

341 (a) The Fire Safety Code and the State Fire Prevention Code shall
342 specify reasonable minimum requirements for fire safety in new and
343 existing buildings and facilities.

344 (b) The Fire Safety Code and the State Fire Prevention Code shall, and
345 any municipality may, by ordinance, require the establishment of one
346 or more fire zones for the orderly access of fire and other emergency

347 equipment to buildings or facilities open to the public. Any such
348 ordinance may be in accordance with the (1) size, type of construction
349 and nature of use or occupancy of such buildings or facilities, and (2)
350 the fire suppression equipment and method of attack utilized by the fire
351 department.

352 Sec. 7. Section 29-296 of the general statutes is repealed and the
353 following is substituted in lieu thereof (*Effective July 1, 2021*):

354 The State Fire Marshal may grant variations or exemptions from, or
355 approve equivalent or alternate compliance with, particular provisions
356 of [any regulation issued under the provisions of section 29-292] the Fire
357 Safety Code or the State Fire Prevention Code where strict compliance
358 with such provisions would entail practical difficulty or unnecessary
359 hardship, or is otherwise adjudged unwarranted, provided any such
360 variation or exemption or approved equivalent or alternate compliance
361 shall, in the opinion of the State Fire Marshal, secure the public safety.
362 Any application for a variation or exemption or equivalent or alternate
363 compliance received by a local fire marshal shall be forwarded to the
364 State Fire Marshal by first class mail [within] not later than fifteen
365 business days [of] after receipt by such local fire marshal and shall be
366 accompanied by a letter from such local fire marshal that shall include
367 comments on the merits of the application.

368 Sec. 8. Subsection (b) of section 29-305 of the general statutes is
369 repealed and the following is substituted in lieu thereof (*Effective July 1,*
370 *2021*):

371 (b) Each local fire marshal shall inspect or cause to be inspected, at
372 least once each calendar year or as often as prescribed by the State Fire
373 Marshal pursuant to subsection (e) of this section, in the interests of
374 public safety, all buildings and facilities of public service and all
375 occupancies regulated by the Fire Safety Code or the State Fire
376 Prevention Code within the local fire marshal's jurisdiction, except
377 residential buildings designed to be occupied by one or two families
378 which shall be inspected, upon complaint or request of an owner or
379 occupant, only for the purpose of determining whether the

380 requirements specified in said codes relative to smoke detection and
381 warning equipment have been satisfied. In the case of a school building,
382 each local fire marshal shall submit a written report to the local or
383 regional board of education documenting each such inspection.

384 Sec. 9. Subsection (c) of section 29-306 of the general statutes is
385 repealed and the following is substituted in lieu thereof (*Effective July 1,*
386 *2021*):

387 (c) If the local fire marshal or a local police officer determines that
388 there exists in a building a risk of death or injury from (1) blocked,
389 insufficient or impeded egress, (2) failure to maintain or the shutting off
390 of any fire protection or fire warning system required by the Fire Safety
391 Code or State Fire Prevention Code, (3) the storage of any flammable or
392 explosive material without a permit or in quantities in excess of any
393 allowable limits pursuant to a permit, (4) the use of any firework or
394 pyrotechnic device without a permit, or (5) exceeding the occupancy
395 limit established by the State Fire Marshal or a local fire marshal, such
396 fire marshal or police officer may issue a verbal or written order to
397 immediately vacate the building. Such fire marshal or police officer shall
398 notify or submit a copy of such order to the State Fire Marshal if such
399 marshal or officer anticipates that any of the conditions specified in
400 subdivisions (1) to (5), inclusive, of this subsection cannot be abated in
401 four hours or less from the time of such order. Upon receipt of any such
402 notification or copy, the State Fire Marshal shall review such order to
403 vacate, and after consultation with the local fire marshal or local police
404 officer, determine whether to uphold, modify or reverse such order,
405 with any further conditions the State Fire Marshal deems appropriate to
406 protect any person from injury. A violation of such order shall be subject
407 to the penalties under section [29-295] 29-291c, as amended by this act.

408 Sec. 10. Section 29-310 of the general statutes is repealed and the
409 following is substituted in lieu thereof (*Effective July 1, 2021*):

410 (a) The Commissioner of Emergency Services and Public Protection
411 shall thoroughly investigate the cause, circumstances and origin of all
412 fires or explosions to which [his] the commissioner's attention has been

413 called, in accordance with the provisions of this part, by reason of which
414 any property has been destroyed or damaged, or any person injured or
415 killed, and shall especially examine and decide as to whether such fire
416 was the result of carelessness, design, an incendiary device or any other
417 criminal act. [He] The commissioner may take the testimony under oath
418 of any person supposed to be cognizant of or to have means of
419 knowledge in relation to the matters as to which an examination is being
420 made, and shall cause the same to be reduced to writing and filed in
421 [his] the commissioner's office; and if, in [his] the commissioner's
422 opinion, there is sufficient evidence to warrant that any person should
423 be charged with the crime of arson or any other crime, [he] the
424 commissioner shall forthwith submit such evidence, together with the
425 names of the witnesses and all other information obtained by [him] the
426 commissioner, to the proper prosecuting officer. [He] The commissioner
427 may, in any investigation, issue subpoenas for the purposes of
428 summoning and compelling the attendance of witnesses before [him]
429 the commissioner to testify. [He] The commissioner may administer
430 oaths or affirmations to witnesses before [him] the commissioner, and
431 false swearing therein shall be perjury. [He] The commissioner, or a
432 designee, may, in the performance of his or her duties, enter [, by himself
433 or his assistants,] into and upon the premises or building where any fire
434 or explosion has occurred and premises thereto adjacent in accordance
435 with the provisions of section 29-311.

436 (b) Whenever it comes to [his] the commissioner's knowledge or to
437 the knowledge of any local fire marshal that there exists in any building
438 or upon any premises combustible material or flammable conditions
439 dangerous to the safety of such building or premises or dangerous to
440 any other building or property, or conditions that present a fire hazard
441 to the occupants thereof, the State Fire Marshal, or any local fire marshal,
442 obtaining such knowledge, shall order such material to be forthwith
443 removed or such conditions remedied by the owner or occupant of such
444 building or premises, and such owner or occupant shall be subject to the
445 penalties prescribed [by] in section [29-295] 29-291c, as amended by this
446 act, and, in addition thereto, shall suffer a penalty of one hundred
447 dollars a day for each day of neglect, to be recovered in a proper action

448 in the name of the state.

449 Sec. 11. Section 29-313 of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective July 1, 2021*):

451 (a) No fire extinguishing agent used in a fire extinguisher or fire
452 extinguishing device may contain an active ingredient having a level of
453 toxicity equal to or greater than the vapors of carbon tetrachloride or
454 chlorobromomethane or the thermal decomposition products resulting
455 therefrom.

456 (b) No fire extinguisher or fire extinguishing device containing an
457 active agent having a level of toxicity equal to or greater than the vapors
458 of carbon tetrachloride or chlorobromomethane or the thermal
459 decomposition products resulting therefrom shall be used or installed
460 for use in any school bus or motor vehicle used for the transportation of
461 passengers for hire. The owner or operator of any such bus or vehicle
462 who violates any provision of this subsection shall be fined not more
463 than two hundred dollars or imprisoned not more than three months,
464 or both.

465 (c) Any person who sells, offers for sale or gives to another any fire
466 extinguisher or fire extinguishing device, containing or designed to
467 contain an active agent having an ingredient prohibited by subsection
468 (a) of this section shall be subject to the penalties prescribed [by] in
469 section [29-295] 29-291c, as amended by this act.

470 Sec. 12. Section 29-314 of the general statutes is repealed and the
471 following is substituted in lieu thereof (*Effective July 1, 2021*):

472 Any person who sells, offers to sell or displays for sale any portable
473 fire extinguisher or any flame-proofing or fire retardant coating or
474 compound, unless such fire extinguisher, coating or compound has been
475 tested, listed and rated as satisfactory for its intended purpose by a
476 nationally recognized testing laboratory acceptable to the State Fire
477 Marshal and, in the case of a fire extinguisher, unless such fire
478 extinguisher contains no active agent having an ingredient prohibited

479 by section 29-313, as amended by this act, shall be subject to the penalties
480 prescribed in section [29-295] 29-291c, as amended by this act.

481 Sec. 13. Subsection (b) of section 29-251c of the general statutes is
482 repealed and the following is substituted in lieu thereof (*Effective July 1,*
483 *2021, and applicable to appointments made on and after said date*):

484 (b) There is established the Code Training and Education Board of
485 Control which shall promote code training and education. No funds
486 shall be expended for the purposes listed in subsection (a) of this section
487 without prior approval of the Code Training and Education Board of
488 Control. The board shall consist of seven members as follows: (1) [Three]
489 Four members of the [Building Code Training Council] Codes and
490 Standards Committee, one each of whom shall be appointed by the
491 speaker [,] and majority leader [and minority leader] of the House of
492 Representatives, and the president pro tempore and majority leader of
493 the Senate, (2) [three members] one member of the Fire Marshal Training
494 Council, [one each of whom] who shall be appointed by the [president
495 pro tempore, majority leader and] minority leader of the [Senate] House
496 of Representatives, (3) one member of the Building Code Training
497 Council, who shall be appointed by the minority leader of the Senate,
498 and [(3)] (4) one architect, engineer, landscape architect, interior
499 designer, builder, contractor or superintendent of construction doing
500 business in this state, who shall be appointed by the Commissioner of
501 Administrative Services. The members of the board shall continue in
502 office for the term of three years from the first day of July next
503 succeeding their appointment. Vacancies on the board shall be filled by
504 the original appointing authority for the balance of the unexpired term.

505 Sec. 14. Section 29-297 of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective July 1, 2021*):

507 (a) The board of fire commissioners or, in the absence of such board,
508 any corresponding authority of each town, city or borough, or, if no such
509 board or corresponding authority exists, the legislative body of each
510 city, the board of selectmen of each town or the warden and burgesses
511 of each borough, or, in the case of an incorporated fire district, the

512 executive authority of such district shall appoint a local fire marshal and
513 such deputy fire marshals, fire inspectors and other fire code inspectors
514 or fire investigators as may be necessary. In making such appointment,
515 preference shall be given to a member of the regular or volunteer fire
516 department of such municipality. Each local fire marshal shall be sworn
517 to the faithful performance of his or her duties by the clerk of the town,
518 city, borough or fire district and shall continue to serve in that office
519 until removed for cause. Such clerk shall record his or her acceptance of
520 the position of local fire marshal and shall report the same in writing to
521 the State Fire Marshal within ten days thereafter, giving the name and
522 address of the local fire marshal and stating the limits of the territory in
523 which the local fire marshal is to serve.

524 (b) The board of fire commissioners or, in the absence of such board,
525 any corresponding authority of each town, city or borough or, if no such
526 board or corresponding authority exists, the legislative body of each
527 city, the board of selectmen of each town or the warden and burgesses
528 of each borough or, in the case of an incorporated fire district, the
529 executive authority of such district may, upon the death, disability,
530 dismissal, retirement or revocation of certification of the local fire
531 marshal, and in the absence of an existing deputy fire marshal, appoint
532 a [deputy fire marshal] person who holds a fire marshal certification
533 issued pursuant to section 29-298 as the acting fire marshal for a period
534 not to exceed one hundred eighty days.

535 Sec. 15. Section 29-303 of the general statutes is repealed and the
536 following is substituted in lieu thereof (*Effective July 1, 2021*):

537 The fire chief or local fire marshal with jurisdiction over a town, city,
538 borough or fire district where a fire, explosion or other fire emergency
539 occurs shall furnish the State Fire Marshal a report that shall include (1)
540 all the facts relating to its cause, its origin, the kind, the estimated value
541 and ownership of the property damaged or destroyed, [(2) the name of
542 each firefighter who was (A) present at such fire, explosion or other fire
543 emergency, and (B) exposed to heat, radiation or a known or suspected
544 carcinogen as a result of such fire, explosion or other fire emergency,

545 including the duration of each such firefighter's exposure,] and [(3)] (2)
 546 such other information as called for by the State Fire Marshal on forms
 547 furnished by the State Fire Marshal, or in an electronic format prescribed
 548 by the State Fire Marshal. The fire chief or fire marshal may also submit
 549 reports regarding other significant fire department response to such fire
 550 or explosion, and such reports may be filed monthly but commencing
 551 January 1, 2008, such reports shall be filed not less than quarterly.

552 Sec. 16. Sections 29-291b and 29-295 of the general statutes are
 553 repealed. (*Effective July 1, 2021*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	29-291a
Sec. 2	<i>July 1, 2021</i>	29-291c
Sec. 3	<i>July 1, 2021</i>	29-291d
Sec. 4	<i>July 1, 2021</i>	29-291e
Sec. 5	<i>July 1, 2021</i>	29-292
Sec. 6	<i>July 1, 2021</i>	29-293
Sec. 7	<i>July 1, 2021</i>	29-296
Sec. 8	<i>July 1, 2021</i>	29-305(b)
Sec. 9	<i>July 1, 2021</i>	29-306(c)
Sec. 10	<i>July 1, 2021</i>	29-310
Sec. 11	<i>July 1, 2021</i>	29-313
Sec. 12	<i>July 1, 2021</i>	29-314
Sec. 13	<i>July 1, 2021, and applicable to appointments made on and after said date</i>	29-251c(b)
Sec. 14	<i>July 1, 2021</i>	29-297
Sec. 15	<i>July 1, 2021</i>	29-303
Sec. 16	<i>July 1, 2021</i>	Repealer section

Statement of Legislative Commissioners:

In Section 1(a), "nationally recognized fire" was added for clarity, in Section 5(a), "code" was bracketed and "nationally recognized model fire and life safety codes" and "codes" was added for clarity, and "regulations in said" was bracketed for consistency, and in Section 6(b), "State Fire" was changed to "Fire Safety" for accuracy.

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 extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code. In addition, this bill requires the Fire Safety Code to include provisions for smoke detectors and warning equipment that use any power source permitted under the code for certain new residential buildings and other residential buildings installing or replacing equipment. These provisions have no fiscal impact.

The bill also changes the composition of the seven-member Code Training and Education Board of Control. In addition, it makes several technical changes by correcting references of committees and codes relating to fire. These changes have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 845*****AN ACT CONCERNING THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, MEMBERSHIP OF THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, APPOINTMENT OF A TEMPORARY FIRE MARSHAL AND REPORTS FILED AFTER A FIRE, EXPLOSION OR OTHER FIRE EMERGENCY.*****SUMMARY**

This bill makes several unrelated changes in laws affecting fire codes, fire marshals, and related committees, boards, and reports. It aligns certain provisions in the state Fire Prevention Code with the state Fire Safety Code and establishes each code's applicability.

The bill applies the Fire Prevention Code to all buildings and structures constructed before January 1, 2006, generally conforming to current practice. Existing law requires a nine-person advisory committee to coordinate with the State Fire Marshal to administer the Fire Prevention Code. The bill renames this committee the "Fire Prevention Code Committee" and makes conforming changes throughout. It also requires the committee to adopt regulations, in accordance with the Uniform Administrative Procedure Act (UAPA), to govern the committee's procedures. Under the bill, those aggrieved by the State Fire Marshal's decision on a local fire marshal's interpretation of the Fire Prevention Code must appeal to the committee before appealing to Superior Court.

Additionally, the bill applies the Fire Safety Code to buildings and adjacent areas constructed on or after January 1, 2006, and generally expands existing coverage to include structures and areas adjacent to structures. It requires the Fire Safety Code to be based on nationally recognized model life safety codes, in addition to nationally recognized model fire codes required under existing law. The bill requires the Fire Safety Code to include provisions for smoke detectors and warning

equipment that use any power source permitted under the code for certain new residential buildings and other residential buildings installing or replacing equipment. It also eliminates references to regulations established in or under the code and provisions establishing required capabilities and certain technical specifications for smoke and carbon monoxide detection and warning equipment.

When a local fire marshal can no longer serve due to death, disability, dismissal, retirement, or revocation of his or her certification and there is no existing deputy fire marshal, current law authorizes municipal officials or entities to appoint a deputy fire marshal as the acting fire marshal. The bill instead allows the officials to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee. Existing law limits this position to a maximum of 180 days.

It also (1) changes membership and appointment requirements for the Code Training and Education Board of Control and (2) eliminates certain municipal reporting requirements related to fires, explosions, or other fire emergencies.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, and applicable to appointments made on and after this date for provisions on appointments to the Code Training and Education Board of Control.

FIRE PREVENTION CODE

Applicability (§ 1)

The bill applies the Fire Prevention Code to buildings and structures constructed before January 1, 2006, generally conforming to current practice, and requires the code to include provisions for activities occurring on or within these buildings and structures.

State Fire Marshal Decision Appeals (§ 3)

The law requires the State Fire Marshal to review a local fire marshal's decision upon request or when he has reason to believe that

the local fire marshal has misconstrued or misinterpreted a provision of the Fire Prevention Code. If the State Fire Marshal determines the code has been misconstrued or misinterpreted, he must issue an interpretation of the code and may issue any order he deems appropriate. Under current law, anyone aggrieved by the State Fire Marshal's decision resulting from this review or his decision relating to enforcing the Fire Prevention Code may appeal to Superior Court. The bill requires an aggrieved person to first appeal to the Fire Prevention Code Committee within 14 days after the person receives the State Fire Marshal's decision. The bill requires any hearing the committee holds to comply with the UAPA.

Inspections (§ 8)

Existing law authorizes local fire marshals and the State Fire Marshal to inspect buildings, facilities, and other areas regulated by both the Fire Prevention Code and the Fire Safety Code. It also allows the State Fire Marshal to amend either code to establish a schedule for inspections of different building uses regulated under the codes.

The bill requires local fire marshals to inspect or cause to be inspected all buildings and facilities of public service and occupancies regulated by the State Fire Prevention Code at least once per calendar year, or as often as the State Fire Marshal prescribes, as required for the Fire Safety Code under current law. Existing law and the bill exempt residential buildings designed to be occupied by one or two families from this requirement and instead require they be inspected upon the owner or occupant's complaint and only to determine whether smoke detector and warning equipment requirements have been met. Existing law, unchanged by the bill, requires local fire marshals to submit a written report to the local or regional school board documenting any inspection of a school building.

FIRE SAFETY CODE

Applicability (§ 5)

The bill applies the Fire Safety Code to buildings and adjacent areas constructed on or after January 1, 2006, and generally expands its

coverage to include structures and adjacent areas. By law, the code does not apply to private dwellings occupied by one or two families.

Citations, Injunctions, and Penalties (§§ 2 & 16)

The bill extends to the Fire Safety Code certain provisions related to fire marshal orders, citations, and penalties under the Fire Prevention Code. These include provisions allowing the State Fire Marshal or local fire marshals to (1) order a building owner or occupant to remedy conditions that violate the code, (2) file an injunction to close or restrict the use of the property until the condition has been remedied, and (3) issue a citation instead of an order. They also include the following penalties: (1) \$50 per day for each day a violation continues when a fire marshal has ordered a building owner or occupant to remedy a condition and (2) a fine of up to \$250 for anyone issued a citation.

By law, a person who violates the Fire Safety Code must be fined up to \$1,000 with a \$200 mandatory minimum, imprisoned up to six months, or both.

Smoke and Carbon Monoxide Detection Requirements (§ 5)

The bill requires the Fire Safety Code to include provisions for smoke detectors and warning systems that use any power source allowed under the code for residential buildings designed to be occupied by one or more families (1) when a smoke detector is installed or replaced or (2) for which a building permit for new occupancy is issued on or after July 1, 2021.

The bill eliminates provisions that under current law establish requirements for smoke detectors, including requirements related to accompanying literature; technical capabilities; and separate requirements for hotels, motels, and inns. It also eliminates current law's provisions establishing requirements for carbon monoxide detectors, including installation and use specifications; equipment location, power requirements, and standards; exemptions for certain buildings; and testing and inspection.

Existing law prohibits the issuance of a certificate of occupancy for residential buildings generally subject to requirements for smoke and

carbon monoxide detectors unless the local fire marshal or building official certifies that the building equipment complies with the Fire Safety Code. The bill requires the local fire marshal or building official to additionally certify that the smoke and carbon monoxide equipment comply with the State Building Code.

Fire Zones (§ 6)

The bill requires the Fire Safety Code to require the establishment of one or more fire zones that allow fire and other emergency equipment orderly access to buildings or facilities open to the public, as required under the Fire Prevention Code under current law.

§ 13 — CODE TRAINING AND EDUCATION BOARD OF CONTROL

The bill changes the composition of the seven-member Code Training and Education Board of Control. Under existing law and the bill, one member must be a building professional (e.g., an architect or engineer) appointed by Department of Administrative Services commissioner. Table 1 shows appointment requirements for the remaining six members under current law and under the bill. By law, the board promotes code training and education, and members serve three-year terms.

Table 1: Code Training and Education Board of Control Membership

<i>Membership</i>	<i>Under Current Law</i>	<i>Under the Bill</i>
Building Code Training Council	Three members, appointed one each by the House speaker, and House majority and minority leaders	One member, appointed by the Senate minority leader
Fire Marshal Training Council	Three members, appointed one each by the Senate president pro tempore and the Senate majority and minority leaders	One member, appointed by the House minority leader
Codes and Standards Committee	N/A	Four members, appointed one each by the top four legislative leaders

§ 15 — MUNICIPAL REPORTS FOR FIRES, EXPLOSIONS, OR OTHER FIRE EMERGENCIES

By law, when a fire, explosion, or other fire emergency occurs, the fire chief or local fire marshal with jurisdiction over the location must report to the State Fire Marshal on facts relating to the incident’s cause, origin, kind, and estimated value and ownership of damaged or destroyed property, along with other information as the State Fire Marshal prescribes. The bill eliminates a requirement that this report include (1) the name of each firefighter who was present at the incident and, as a result, exposed to heat, radiation, or a known or suspected carcinogen and (2) the duration of each such firefighter’s exposure.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/24/2021)