



Agency Legislative Proposal - 2020 Session

Document Name: 11122020_DAS_BoilerCode

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: DAS

Liaison: Erin Choquette Lee Ross

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Lead agency division requesting this proposal: Office of the State Building Inspector

Agency Analyst/Drafter of Proposal: Erin Choquette Joe Cassidy

Title of Proposal: AAC Revisions to the State Boiler Code

Statutory Reference: C.G.S. § 29-231

Proposal Summary:

Technical modification to align the existing boiler code statute with the current model code.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

In current statute there is no exclusion from certification for any boiler or water heater, regardless of size, in certain types of facilities, such as schools, day care centers, public and private hospitals, nursing and boarding homes, churches and public buildings.

There are hundreds of small "point of use" water heaters in use in these facilities. OSBI is required to certify each of these units. These units are tested and listed by independent agencies, such as UL, and do not present a safety risk to the public. Model code language exempts these units from certification. This proposal creates an exception for this units in the boiler code statute.

◇ **Origin of Proposal**

☐ **New Proposal**

☒ **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

SB 281 (2018) "An Act Concerning Small Hot Water Heaters, Certain Certifications By State Agencies and The Connecticut Airport Authority, Communication With the State Building Inspector And State Fire Marshal And Revisions To Other Statutes Related to Buildings and Fire Safety" included this proposal but the bill was not voted out of committee. This proposal breaks out this concept to be presented as a stand-alone proposal to reduce confusion around this proposal.

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ☐ YES ☐ NO ☐ Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ YES ☐ NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

If C.G.S. § 29-231 is not changed, municipalities will incur the expense of paying for the inspections that serve no practical purpose.

State

Reduced number of objects to inspect and certify leading to administrative cost savings.

Federal

None

Additional notes on fiscal impact



◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Streamlined government. Eliminating unneeded requirements.

An Act Concerning Revisions to the State Boiler Code

Section 29-231 of the general statutes is repealed and the following is substituted in lieu thereof
(Effective from passage):

The provisions of this chapter shall not apply to: (1) Boilers under federal control; (2) portable boilers used in pumping, heating, steaming and drilling in the open field; (3) portable boilers used solely for agricultural purposes; (4) steam heating boilers, hot water heaters and hot water heating boilers, when used in private homes or apartment houses of not more than five families; (5) hot water heaters approved by a nationally recognized testing agency that are equipped with adequate safety devices including a temperature and pressure relief valve[, having a] **and have: (A) A** nominal water capacity of not more than one hundred twenty gallons and a heat input of not more than two hundred thousand British thermal units per hour and used solely for hot water supply carrying a pressure of not more than one hundred sixty pounds per square inch and operating at temperatures of not more than two hundred ten degrees Fahrenheit, provided such heaters are not installed in schools, day care centers, public or private hospitals, nursing or boarding homes, churches or public buildings, as defined in section 1-1; **or (B) a nominal water capacity of not more than ten gallons and a heat input of not more than twenty thousand British thermal units per hour in any occupancy;** (6) antique or model boilers used in public, nonprofit engineering or scientific museums and operated for educational, historical or exhibition purposes having a shell diameter of less than twelve inches and a grate surface area of less than one square foot; and (7) public service companies, as defined in section 16-1.



Agency Legislative Proposal - 2020 Session

Document Name : 11122020_DAS_3rdPartyCert

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Administrative Services

Liaison: Erin Choquette Lee Ross

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Lead agency division requesting this proposal: Regulatory Compliance

Agency Analyst/Drafter of Proposal: Erin Choquette Joe Cassidy

Title of Proposal: AAC Certification of Third Party Inspection Agencies

Statutory Reference: 29-193, 29-195, 29-196, 29-197

Proposal Summary: This proposal authorizes DAS to create a certification program whereby third party inspectors would be certified by DAS to be able to perform certain building and elevator plan reviews, inspections, and certifications. The certification of the third party inspectors would be administered by DAS. The certification program would establish and maintain minimum qualifications, administrative guidelines and procedures to ensure that all inspections or reviews conducted by third party inspectors are at the highest professional level, and to ensure a process for verification and auditing of the third party inspectors. In connection with building code compliance, building owners or construction firms would be able to contract with the certified inspectors, who would work under delegated authority from the local building official. In connection with elevator inspections, building owners would be able to contract with the certified inspectors to conduct the inspections required under 29-195.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

There have been no law changes necessitating this change. New York City and the District of Columbia have similar programs for building inspections. In addition, third party elevator inspections are permitted in many states. From discussions with individuals familiar with each jurisdiction the programs have been successful and the outcomes have been, overall, positive. The building and development communities have asked for relief from delays in scheduling



inspections, etc. Most municipalities are facing budgetary constraints and, despite collecting significant building permit fees, have not been able to staff their building departments adequately to meet the demand for construction inspections. This limited staffing causes delays in scheduling inspections, creating delays in productivity for contractors. This program would allow contractors to work more efficiently with increased schedule certainty providing cost savings and encouraging development. The time pressure caused by this overloaded demand for inspections does not allow building department staff the necessary time to perform thorough inspections when they do them. This program would allow local departments to leverage limited resources with these outside resources improving overall public safety. An unregulated market already exists to provide plan review and inspection consulting services. This program would provide minimum standards, oversight and audit functions to this market, to improve its performance and insure the reliability of the third party product. Similar issues create delays and backlogs in the elevator inspection process.

◇ **Origin of Proposal**

☒ **New Proposal**

☐ **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal *(please include any municipal mandate that can be found within legislation)*



There would be no fiscal impact to municipalities. This program would allow local building departments to leverage limited resources with the resources of these agencies alleviating the impacts of reduced staffing on citizens while improving overall public safety.

State

Staff would need to be reassigned and supplemented to administer this program and perform the review and audit functions contemplated in this program.

Federal

None

Additional notes on fiscal impact

Because the building owner or construction company – not the towns or the State – would be the entities that contract with the third-party inspectors, there will be no cost to the municipalities or state associated with the use of such third party inspectors.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

The proposal will positively impact economic development and provide improved public safety.

An Act Concerning the Certification of Third Party Inspection Agencies

Sec. 1. (NEW) *(Effective October 1, 2020):*

(a) The State Building Inspector and the Codes and Standards Committee acting jointly, with the approval of the Commissioner of Administrative Services, shall establish a program to certify independent inspectors to perform code inspections for submission to the local building official. The program shall establish classifications of inspectors, the duties and responsibilities of each inspector at each such classification level, including the insurance requirements and the minimum qualifications of inspectors at each such classification level. It shall establish an oversight and audit program administered by the State Building Inspector to insure the consistency and quality of a certified inspection firm's work product. The State Building Inspector may charge any person a reasonable fee for applying for certification. The commissioner may waive any such fee for any person who applies, in the form and manner prescribed by the commissioner, for a waiver of such fee and demonstrates that he or she is financially unable to pay such fee.



(b) The State Building Inspector, with the approval of the Commissioner of Administrative Services, shall establish a program to certify independent inspectors to perform elevator or escalator inspections for submission to the Department of Administrative Services. The program shall establish classifications of inspectors, the duties and responsibilities of each inspectors at each such classification level, including the insurance requirements and the minimum qualifications of inspectors at each classification level. It shall establish an oversight and audit program to insure the consistency and quality of a certified inspection firm's work product. The commissioner may charge any person a reasonable fee for applying for certification. The commissioner may waive any such fee for any person who applies, in the form and manner prescribed by the commissioner, for a waiver of such fee and demonstrates that he or she is financially unable to pay such fee.

Sec. 2. Section 29-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

No new elevator or escalator shall be erected or installed and no elevator or escalator shall be relocated or altered until detailed plans and specifications of the proposed construction or other work have been submitted in triplicate to the department for approval. **In making this determination, the department may rely upon a review conducted by a third-party inspector certified to review plans and specifications by the department pursuant to subsection (b) of section 1 of this act.** A fee of two hundred fifty dollars for each elevator or escalator payable to the department shall accompany each such proposal. Notice that such plans are approved or disapproved shall be given within a reasonable time and final inspection of the elevator or escalator, when installed, relocated or altered, shall be made before final approval for operation is given by the department. The department may issue a temporary operating permit, if necessary, pending final inspection and approval. The provisions of this chapter shall not prevent the operation of any elevator installed for temporary use in connection with building operations or the operation of any elevator for purposes connected with the installation or the testing of the same.

Sec. 3. Section 29-195 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

Each elevator or escalator shall be thoroughly inspected by a department elevator inspector **or an inspector certified by the department pursuant to subsection (b) of section 1 of this act** at least once each eighteen months, except elevators located in private residences shall be inspected upon the request of the owner. More frequent inspections of any elevator or escalator shall be made if the condition thereof indicates that additional inspections are necessary or desirable.



Sec. 4. Section 29-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

As soon as the department approves any new, relocated or altered elevator or escalator as being fit for operation, it shall issue to the owner a certificate of operation for a capacity and speed specified in the inspector's report. **In determining whether to approve any such elevator or escalator, the department may rely upon the inspection and certification conducted by a third-party inspector certified to perform such certifications by the department pursuant to subsection (b) of section 1 of this act.** The fee for the certificate first issued shall be two hundred fifty dollars. Such certificate shall be posted conspicuously in the car or cage or on the platform of the elevator or escalator and shall be valid for twelve months. Thereafter, the certificate shall be renewed every two years upon receipt of the renewal fee of two hundred forty dollars, except that elevators located in private residences shall not be subject to said renewal requirement. No fee shall be required of the state or any agency of the state. No elevator or escalator may be lawfully operated without such certificate.

Sec. 5. Section 29-197 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

If any elevator or escalator is found which, in the judgment of the department, is dangerous to life and property or is being operated without the operating certificate required by section 29-196, the department may require the owner or operator of such elevator or escalator to discontinue its operation forthwith, and the department shall order a notice placed in the elevator or escalator stating that the elevator or escalator is out of service. **In determining whether to order the discontinuance of any such elevator or escalator, the department may rely upon the inspection and certification conducted by a third-party inspector certified to perform such certifications by the department pursuant to subsection (b) of section 1 of this act.** When an elevator or escalator has been placed out of service, the owner or operator of such elevator or escalator shall not again operate the same until repairs have been made and permission given by the commissioner or his authorized agent to resume operation of such elevator or escalator.



Agency Legislative Proposal – 2020 Session

Document Name: 11122020_DAS_FireCodeTech

(If submitting an electronically, please label with date, agency, and title of proposal –

State Agency:

Department of Administrative Services

Liaison: Erin Choquette Lee Ross

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Lead agency division requesting this proposal:

Office of the State Building Inspector & Office of the State Fire Marshal

Agency Analyst/Drafter of Proposal:

Erin Choquette, Joe Cassidy

Title of Proposal

AAC Technical Changes to the Fire Codes

Statutory Reference

C.G.S. § 29-292;

Proposal Summary

Section 1. Renames the advisory committee to Fire Prevention Code Committee, and clarifies the application of the Fire Prevention Code.

Specifically, the advisory committee established under this section has been operating as the Fire Prevention Code Committee to more accurately reflect its advisory role



under the Fire Prevention Code. It also clarifies that the Fire Prevention Code governs all buildings constructed on or before December 31, 2005. This is necessary because older buildings have structural characteristics that would be technical violations under the Fire Safety Code (which applies to buildings constructed on or after January 1, 2006). For example, older buildings have stairways with 7 inch risers and 8 inch treads, instead of the newer requirement of 7 inch risers and 11 inch treads. It is impossible for older buildings to change stairwells as they are integral to the structure of the building. The Fire Prevention Code covers all required safety and prevention measures, but makes accommodations for older buildings.

Section 2. Makes technical changes to 29-291c, the code enforcement section, to include enforcement of both the State Fire Prevention Code and State Fire Safety Code.

This will clarify the Fire Marshal's enforcement authority under both codes.

Section 3. Adds an additional interim step to the Fire Prevention Code enforcement appeals process.

Specifically, if a party is aggrieved over a decision by the State Fire Marshal, instead of taking an appeal directly to the Superior Court, the party may appeal to the Fire Prevention Code Committee for resolution before appealing to the Superior Court, thereby potentially reducing the burden on the courts if there is a resolution. If a party wants to continue its appeal, it may then appeal to the Superior Court.

Section 4. Clarifies the scope of authority of the Fire Safety Code and makes technical changes to repeal outdated language relating to regulations. Repeals unnecessary and outdated language relating to smoke detectors.

Specifically, it requires that the Fire Safety Code be based on both model fire and life safety codes, codifying current practice of utilizing several nationally recognized codes to update and amend the State Fire Safety Code. Second, it clarifies that the Fire Safety Code applies to the all building constructed after December 31, 2005. Third, it repeals subparagraphs (2) and (3) of subsection (a), which are all either repetitive of other statutes or contain technical requirement language that has long been part of the state's fire and building codes. Fourth, it also **removes statutory language that prevents Connecticut homeowners from taking advantage of technological advancements.** Current language in subsection (a), for example, requires **homes built after 1985 to have smoke detection equipment that uses alternating current, which means hard-wired smoke alarms.** Technological



advancements in the industry have resulted in wireless smoke alarms. Unfortunately, Connecticut homebuilders cannot take advantage of this advancement because state statute prevents us from allowing for its use in code.

Section 5. Makes a technical change to the fire zone access statute to require that both the Fire Safety and Fire Prevention codes require fire zones for the access of emergency vehicles to all buildings and facilities. This codifies existing practices within both fire codes.

Section 6. Repeals 29-295 in its entirety. 29-295 is duplicative of in that it consists of exactly the same fine structure as set forth in 29-291c(e).

Section 7. Makes technical changes to 29-296. Specifically, it removes the outdated reference to regulations, and specifically identifies the Fire Safety and Fire Prevention codes as authority.

Section 8. Makes technical changes to 29-305 regarding inspections by local fire marshals. Specifically, it removes all outdated references to regulations and identifies the Fire Safety and Fire Prevention codes as authority. In addition, it clarifies that all smoke and carbon monoxide detection and warning equipment must comply with the State Building Code as well as fire codes.

Section 9. Removes reference to the duplicative fine structure language in 29-295. Adds language to reference the fine structure in 29-291c.

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?* **NO**
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?* **Unknown**
- (3) *Have certain constituencies called for this action?* **CT Fire Marshals Association, Local Fire Marshals,**
- (4) *What would happen if this was not enacted in law this session?* **Without the changes, the fire code statutes would have outdated language that could create vagueness and confusion as to the roles of both the Fire Safety and Fire Prevention Codes, as well**



as the enforcement authority of the State Fire Marshall. In addition, C.G.S. 29-292 would remain poorly constructed lacking clear guidance to stakeholders on the existing smoke and warning equipment requirements. Current statute also limits the type of smoke detection/warning equipment required in residential buildings.

- **Origin of Proposal** ☐ New Proposal ☒ Resubmission in part

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **State Building Inspector, State Fire Marshal, DAS Staff Attorney responsible for codes, CT Fire Marshals Association, CT Homebuilders.***
- (4) *What was the last action taken during the past legislative session?*

In previous sessions, DAS has sought to eliminate language limiting the mandate requiring smoke detectors in 1 & 2 family houses to homes built after 1985. Those proposals were opposed by the CT Realtors Association. This proposal does not seek that change. This proposal only makes non-controversial technical changes and eliminates the statutory mandate requiring builders/home owners to use old fashioned technology.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ☐ YES ☐ NO ☐ Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ YES ☒ NO



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- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

None--- The local FM is the local authority for these issues –and the bill doesn't create any new enforcement duties.

State

None

Federal

None

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

Sec. 1. Section 29-291a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) The State Fire Marshal, in coordination with the [advisory committee] **Fire Prevention Code Committee** established under subsection (b) of this section and in accordance with the provisions of section 29-291e, shall adopt and administer a State



Fire Prevention Code based on a nationally recognized fire [prevention] code. The code shall be used to enhance the enforcement capabilities of local fire marshals and, **on and after the 2020 edition of the code**, for the purposes of prevention of fire and other related emergencies **in buildings constructed on or before December 31, 2005**. The code shall be revised as deemed necessary to incorporate any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions. The code shall include provisions for oil burners, flammable and combustible liquids, gas equipment and piping, liquefied gas and liquefied natural gas and hazardous chemicals.

(b) There is established [an advisory committee] **the Fire Prevention Code Committee** consisting of nine persons appointed by the State Fire Marshal. The State Fire Marshal shall appoint two members selected from a list of individuals submitted by the Codes and Standards Committee from the membership of said committee and seven members representing local fire marshals, deputy fire marshals and fire inspectors selected from a list of individuals submitted by the Connecticut Fire Marshals Association.

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

Sec. 2. Section 29-291c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

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

(b) Upon failure of an owner or occupant to abate or remedy a violation pursuant to subsection (a) of this section within a reasonable period of time specified by the State Fire Marshal or the local fire marshal, the local fire marshal shall promptly notify, in writing, the prosecuting attorney having jurisdiction in the municipality in which such violation or condition exists of all of the relevant facts. The local fire marshal may



request the chief executive officer, any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists or the State Fire Marshal, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant for the purpose of closing or restricting from public service or use the place or premises containing the violation or condition until the violation or condition has been remedied, or the State Fire Marshal may apply for such an injunction without such request.

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

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

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



Sec. 3. Section 29-291d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

The State Fire Marshal shall review a decision by a local fire marshal upon the request of any person determined to have the right to appeal or when the State Fire Marshal has reason to believe that such official has misconstrued or misinterpreted any provision of the State Fire Prevention Code adopted pursuant to section 29-291a. If upon review and after consultation with such official the State Fire Marshal determines that a provision of the code has been misconstrued or misinterpreted, the State Fire Marshal shall issue an interpretation of such code and may issue any order the State Fire Marshal deems appropriate. Any such determination or order shall be in writing and sent to such local fire marshal by registered mail, return receipt requested. Any person aggrieved by a decision made by the State Fire Marshal in accordance with this section or a decision of the State Fire Marshal relating to the enforcement of the State Fire Prevention Code may appeal such decision to the **Fire Prevention Code Committee established pursuant to subsection (b) of section 29-291a within fourteen days after receipt of such decision by the State Fire Marshal. Any person aggrieved by any ruling of the Fire Prevention Code Committee may appeal to the** superior court for the judicial district where the premises concerned are located.

Sec. 4. Section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a)(1) The State Fire Marshal and the Codes and Standards Committee shall adopt and administer a Fire Safety Code and at any time may amend the same in accordance with the provisions of section 29-292a. The code shall be based on [a] nationally recognized model fire [code] **and life safety codes** and shall be revised as deemed necessary to incorporate advances in technologies and improvements in construction materials and any subsequent revisions to the code not later than eighteen months following the date of first publication of such revisions to the code, unless the State Fire Marshal and the committee certify that a revision is not necessary for such purpose. [The regulations in said] **On and after the 2020 edition of said code, the** code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings and areas adjacent thereto **constructed after December 31, 2005**, except in private dwellings occupied by one or two families and upon all premises, and shall include provision for (A) carbon monoxide detection and warning equipment in (i) new residential buildings not exempt



under [regulations] **the Fire Safety Code** adopted pursuant to this subsection and designed to be occupied by one or two families for which a building permit for new occupancy is issued on or after October 1, 2005, and (ii) all public or nonpublic school buildings, and (B) smoke detection and warning equipment in (i) residential buildings designed to be occupied by two or more families, (ii) new residential buildings designed to be occupied by one family for which a building permit for new occupancy is issued on or after October 1, 1978, requiring equipment complying with the Fire Safety Code, and (iii) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1985, requiring equipment capable of operation using alternating current and batteries, **and (iv) new residential buildings designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after July, 1, 2020, requiring equipment capable of operation using any power source permitted in the standards adopted in the Fire Safety Code.**

[(2) Said regulations shall provide the requirements for markings and literature which shall accompany such equipment sufficient to inform the occupants and owners of such buildings of the purpose, protective limitations and correct installation, operating, testing, maintenance and replacement procedures and servicing instructions for such equipment and shall require that smoke detection and warning equipment which is installed in such residential buildings shall be capable of sensing visible or invisible smoke particles, that the manner and location of installing smoke detectors shall be approved by the local fire marshal or building official, that such installation shall not exceed the standards under which such equipment was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided each hotel, motel or inn shall install or furnish such equipment which, when activated, shall provide a visible alarm suitable to warn occupants, in at least one per cent of the units or rooms in such establishment having one hundred or more units or rooms and in establishments having less than one hundred units or rooms, it shall install or furnish at least one such alarm.

(3) Said regulations shall (A) provide the requirements and specifications for the installation and use of carbon monoxide detection and warning equipment and shall include, but not be limited to, the location, power requirements and standards for such equipment and exemptions for buildings that do not pose a risk of carbon monoxide poisoning due to sole dependence on systems that do not emit carbon monoxide; (B) provide the requirements for testing and inspecting carbon monoxide detection and warning equipment installed in public or nonpublic school buildings and shall include,



but not be limited to, the frequency with which such equipment shall be tested and inspected; (C) require that, for a public or nonpublic school building, (i) any carbon monoxide detection equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2075, or (ii) any carbon monoxide warning equipment installed in any such building meet or exceed Underwriters Laboratories Standard Number 2034; (D) require the installation and maintenance of such detection or warning equipment to comply with the manufacturer's instructions and with the standards set forth by the National Fire Protection Association; and (E) prohibit, for public and nonpublic school buildings for which a building permit for new occupancy is issued on or after January 1, 2012, the installation of any battery-operated carbon monoxide warning equipment or any plug-in carbon monoxide warning equipment that has a battery as its back-up power source.]

(b) (1) No certificate of occupancy shall be issued for any residential building designed to be occupied by two or more families, or any new residential building designed to be occupied by one or more families for which a building permit for new occupancy is issued on or after October 1, 1978, unless the local fire marshal or building official has certified that such building is equipped with smoke detection and warning equipment complying with the Fire Safety Code **and the State Building Code**.

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

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



Sec. 5. Section 29-293 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

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

(b) The **State Fire Safety Code and the** State Fire Prevention Code shall, and any municipality may, by ordinance, require the establishment of one or more fire zones for the orderly access of fire and other emergency equipment to buildings or facilities open to the public. Any such ordinance may be in accordance with the (1) size, type of construction and nature of use or occupancy of such buildings or facilities, and (2) the fire suppression equipment and method of attack utilized by the fire department.

Sec. 6. Section 29-295 of the general statutes is repealed in its entirety. (*Effective July 1, 2020*).

Sec. 7. Section 29-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of [any regulation issued under the provisions of section 29-292] **the State Fire Safety Code or the State Fire Prevention Code** where strict compliance with such provisions would entail practical difficulty or unnecessary hardship, or is otherwise adjudged unwarranted, provided any such variation or exemption or approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety. Any application for a variation or exemption or equivalent or alternate compliance received by a local fire marshal shall be forwarded to the State Fire Marshal by first class mail within fifteen business days of receipt by such local fire marshal and shall be accompanied by a letter from such local fire marshal that shall include comments on the merits of the application.

Sec. 8. Section 29-305 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*)

(a) Each local fire marshal and the State Fire Marshal, for the purpose of satisfying themselves that all pertinent statutes and regulations are complied with, may inspect in the interests of public safety all buildings, facilities, processes, equipment, systems and other areas regulated by the Fire Safety Code and the State Fire Prevention Code within their respective jurisdictions.



- (b) Each local fire marshal shall inspect or cause to be inspected, at least once each calendar year or as often as prescribed by the State Fire Marshal pursuant to subsection (e) of this section, in the interests of public safety, all buildings and facilities of public service and all occupancies regulated by the Fire Safety Code or the State Fire Prevention Code within the local fire marshal's jurisdiction, except residential buildings designed to be occupied by one or two families which shall be inspected, upon complaint or request of an owner or occupant, only for the purpose of determining whether the requirements specified in said codes relative to smoke detection and warning equipment have been satisfied. In the case of a school building, each local fire marshal shall submit a written report to the local or regional board of education documenting each such inspection.
- (c) Upon receipt by the State Fire Marshal of information from an authentic source that any other building or facility within the State Fire Marshal's jurisdiction is hazardous to life safety from fire, the State Fire Marshal shall inspect such building or facility.
- (d) Upon receipt by the local fire marshal of information from an authentic source that any other building or facility within the local fire marshal's jurisdiction is hazardous to life safety from fire, the local fire marshal shall inspect such building or facility. In each case in which the local fire marshal conducts an inspection, the local fire marshal shall be satisfied that all pertinent statutes and regulations are complied with, and shall keep a record of such investigations. Such local fire marshal or a designee shall have the right of entry at all reasonable hours into or upon any premises within the local fire marshal's jurisdiction for the performance of the fire marshal's duties except that occupied dwellings and habitations, exclusive of common use passageways and rooms in tenement houses, hotels and rooming houses, may only be entered for inspections between the hours of 9:00 a.m. and 5:00 p.m., except in the event of any emergency requiring immediate attention for life safety, or in the interests of public safety. Each local fire marshal shall make a monthly report to the authority which appointed the local fire marshal and shall be paid for his or her services in making such inspections of buildings, facilities, processes, equipment, systems and other areas the compensation agreed upon with such appointing authority.
- (e) The State Fire Marshal may adopt amendments to the Fire Safety Code and the State Fire Prevention Code regarding requirements for the frequency of inspections of different building uses regulated by the codes and set forth a schedule of inspections, except for inspections of residential buildings designed to be occupied by three or more families, that are less frequent than yearly if the interests of public safety can be met by less frequent inspections.



Sec. 9. Section 29-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) When the local fire marshal ascertains that there exists in any building, or upon any premises, (1) combustible or explosive matter, dangerous accumulation of rubbish or any flammable material especially liable to fire, that is so situated as to endanger life or property, (2) obstructions or conditions that present a fire hazard to the occupants or interfere with their egress in case of fire, or (3) a condition in violation of the statutes relating to fire prevention or safety, or any regulation made pursuant thereto, the remedy of which requires construction or a change in structure, the local fire marshal shall order such materials to be immediately removed or the conditions remedied by the owner or occupant of such building or premises. Any such removal or remedy shall be in conformance with all building codes, ordinances, rules and regulations of the municipality involved. Any person, firm or corporation which violates any provision of this subsection shall be fined not more than one hundred dollars or be imprisoned not more than three months, or both, and, in addition, may be fined fifty dollars a day for each day's continuance of each violation, to be recovered in a proper action in the name of the state.

(b) Upon failure of an owner or occupant to abate a hazard or remedy a condition pursuant to subsection (a) of this section within a reasonable period of time as specified by the local fire marshal, such local fire marshal shall promptly notify in writing the prosecuting attorney having jurisdiction in the municipality in which such hazard exists of all the facts pertaining thereto, and such official shall promptly take such action as the facts may require, and a copy of such notification shall be forwarded promptly to the State Fire Marshal. The local fire marshal may request the chief executive officer or any official of the municipality authorized to institute actions on behalf of the municipality in which the hazard exists, or the State Fire Marshal, for the purpose of closing or restricting from public service or use such place or premises until such hazard has been remedied, to apply to any court of equitable jurisdiction for an injunction against such owner or occupant; or the State Fire Marshal, on his own initiative, may apply to such court for such injunction. When such hazard is found to exist upon premises supervised or licensed by a state department or agency, the State Fire Marshal shall promptly notify the administrator of such department or agency of his findings and shall issue orders for the elimination of such hazard.

(c) If the local fire marshal or a local police officer determines that there exists in a building a risk of death or injury from (1) blocked, insufficient or impeded egress, (2) failure to maintain or the shutting off of any fire protection or fire warning system required by the Fire Safety Code or State Fire Prevention Code, (3) the storage of any flammable or explosive material without a permit or in quantities in excess of any



allowable limits pursuant to a permit, (4) the use of any firework or pyrotechnic device without a permit, or (5) exceeding the occupancy limit established by the State Fire Marshal or a local fire marshal, such fire marshal or police officer may issue a verbal or written order to immediately vacate the building. Such fire marshal or police officer shall notify or submit a copy of such order to the State Fire Marshal if such marshal or officer anticipates that any of the conditions specified in subdivisions (1) to (5), inclusive, of this subsection cannot be abated in four hours or less from the time of such order. Upon receipt of any such notification or copy, the State Fire Marshal shall review such order to vacate, and after consultation with the local fire marshal or local police officer, determine whether to uphold, modify or reverse such order, with any further conditions the State Fire Marshal deems appropriate to protect any person from injury. A violation of such order shall be subject to the penalties under section [29-295] **29-291c**.