



House of Representatives

General Assembly

File No. 191

January Session, 2015

House Bill No. 6914

House of Representatives, March 24, 2015

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING DEMOLITION LICENSURE AND DEMOLITION PERMITS.

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

1 Section 1. Section 29-402 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this part, the term "license" includes the whole or part
4 of any permit which the Department of Administrative Services issues
5 under authority of the general statutes, and which (1) requires persons
6 to place their names on a list maintained by the department before
7 they can engage in the business of demolition of buildings, (2) requires
8 a person to demonstrate competence by examination or other means,
9 and (3) may be revoked or suspended by the department for cause.

10 (b) No person shall engage in the business of demolition of
11 buildings without a license obtained from the Department of
12 Administrative Services. An applicant for an initial license shall file an
13 application with the Department of Administrative Services, furnish

14 evidence of expertise and financial responsibility and pay a fee of four
15 hundred forty dollars for a class B license and nine hundred forty
16 dollars for a class A license. Each license shall be valid for twelve
17 months from date of issuance and shall be renewable on application of
18 the licensee upon payment of an annual fee of two hundred fifty
19 dollars for a class B license and seven hundred fifty dollars for a class
20 A license. The department may refuse to issue any such license for
21 cause, and may revoke or refuse to renew any such license for failure
22 to carry out and conform to the provisions of this part or to any
23 regulations adopted hereunder, or for any violation of title 22a. No
24 person shall be refused a license or a renewal thereof, and no license
25 shall be revoked, without an opportunity for a hearing conducted by
26 the Department of Administrative Services in accordance with the
27 provisions of chapter 54.

28 (c) The provisions of this section shall not apply to (1) a person who
29 is engaged in the [disassembling] disassembly, transportation and
30 reconstruction of historic buildings for historical purposes, [or] in the
31 demolition of farm buildings, [or] in the renovation, alteration or
32 reconstruction of a single-family residence or in the disassembly of
33 nonstructural building materials of a building for the purpose of
34 reusing or recycling such building materials, (2) the removal of
35 underground petroleum storage tanks, (3) the burning of a building or
36 structure as part of an organized fire department training exercise, or
37 (4) the demolition of a single-family residence or outbuilding by an
38 owner of such structure if it does not exceed a height of thirty feet,
39 provided (A) the owner shall be present on site while such demolition
40 work is in progress and shall be held personally liable for any injury to
41 individuals or damage to public or private property caused by such
42 demolition, and (B) such demolition shall be permitted only with
43 respect to buildings which have clearance from other structures, roads
44 or highways equal to or greater than the height of the structure subject
45 to demolition. The local building official may require additional
46 clearance when deemed necessary for safety.

47 Sec. 2. Section 29-406 of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective from passage*):

49 (a) No person shall demolish any building, structure or part thereof
50 without obtaining a permit for the particular demolition undertaking
51 from the building official of the town, city or borough wherein such
52 building or part thereof is located. No person shall be eligible to
53 receive a permit under this section unless such person furnishes
54 [written notice] to the building official: (1) Written notice of financial
55 responsibility in the form of a certificate of insurance specifying
56 demolition purposes and providing liability coverage for bodily injury
57 of at least one hundred thousand dollars per person with an aggregate
58 of at least three hundred thousand dollars, and for property damage of
59 at least fifty thousand dollars per accident with an aggregate of at least
60 one hundred thousand dollars; [each such certificate shall provide that
61 the town or city and its agents shall be saved harmless from any claim
62 or claims arising out of the negligence of the applicant or his agents or
63 employees in the course of the demolition operations;] (2) written
64 notice in the form of a certificate of notice executed by all public
65 utilities having service connections within the premises proposed to be
66 demolished, stating that such utilities have severed such connections
67 and service; [and] (3) written notice that [he] such person is the holder
68 of a current valid license issued under the provisions of section 29-402,
69 as amended by this act, [except in the case of (A) a person who is
70 engaged in the disassembling, transportation and reconstruction of
71 historic buildings for historical purposes or who is engaged in the
72 demolition of farm buildings or in the renovation, alteration or
73 reconstruction of a single-family residence, or (B) an owner who is
74 engaged in the demolition of a single-family residence or outbuilding,]
75 or is exempted from such license requirement as provided in
76 subsection (c) of [section 29-402] said section; and (4) a written
77 declaration by such person that the town or city and its agents shall be
78 saved harmless from any claim or claims arising out of the negligence
79 of the applicant or the applicant's agents or employees in the course of
80 the demolition operations. No permit shall be issued under this section
81 unless signed by the owner and the demolition contractor. Each such
82 permit shall contain a printed intention on the part of the signers to

83 comply with the provisions of this part.

84 (b) In addition to the powers granted pursuant to this part, any
85 town, city or borough may impose, by ordinance, a waiting period of
86 not more than one hundred eighty days before granting any permit for
87 the demolition of any building or structure or any part thereof, except
88 when the demolition permit is required for the removal of a structure
89 acquired by the Department of Transportation for a transportation
90 project.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-402
Sec. 2	<i>from passage</i>	29-406

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill exempts people who disassemble a building's nonstructural material for reuse and recycling from demolition-related licensure, permitting, and insurance requirements. The bill is not expected to affect the total number of licenses issued by the Department of Administrative Services (DAS).

The bill also requires an applicant for a demolition permit to furnish a separate written declaration, instead of attesting on the required demolition insurance certificate, that the municipality where the demolition is taking place will be held harmless from claims arising out of negligence. As the Office of the State Building Inspector waived this requirement in September of 2014, there is no fiscal impact.

The Out Years

There is no out year fiscal impact.

Sources: Department of Administrative Services

OLR Bill Analysis**HB 6914*****AN ACT CONCERNING DEMOLITION LICENSURE AND DEMOLITION PERMITS.*****SUMMARY:**

This bill exempts from demolition-related licensure, permitting, and insurance requirements people who disassemble a building's nonstructural material for reuse and recycling. It thereby expands the type of activities exempt from these requirements.

It requires an applicant for a demolition permit to furnish a separate written declaration, instead of attesting on the required demolition insurance certificate, that the town where the demolition is taking place will be held harmless from claims arising out of the negligence of the applicant or his or her agents or employees during the demolition.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

LICENSURE AND PERMITTING EXEMPTIONS

With limited exceptions, people engaged in the demolition business must get a (1) license from the Department of Administrative Services and (2) permit from the municipality where the building or structure is located. Current law exempts people engaged in certain activities from these requirements. The bill adds the disassembling of nonstructural building material for reuse and recycling to the following exempt activities:

1. disassembly, transport, and reconstruction of historic buildings for historical purposes; demolition of farm buildings; or renovation, alteration, or reconstruction of single-family homes;

2. removal of underground petroleum storage tanks,
3. burning buildings or structures as part of an organized fire department training exercise; or
4. demolition of single-family dwellings or outbuildings by owners if the dwelling or structure does not exceed a height of 30 feet, provided the (a) owner is present during the demolition and is held personally liable for any personal injury or property damage caused by the demolition, and (b) buildings have clearance from other structures, roads, or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance for safety.

SAVE HARMLESS AND WRITTEN DECLARATION

By law, an applicant for a demolition permit must provide written notice of financial responsibility in the form of an insurance certificate that (1) specifies it is for demolition purposes and (2) provides specified minimum liability coverage for bodily injury and property damage. Under current law, the certificate must hold the town harmless from any claim arising out of the negligence of the applicant or the applicant's agents or employees during the demolition. This conflicts with Public Act 14-74, which prohibits an insurance certificate from including any warranty that the underlying policy complies with the insurance or indemnification requirements of a contract. The bill resolves this conflict by instead, requiring that the applicant make a separate written declaration to this effect.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 25 Nay 0 (03/10/2015)