



Substitute House Bill No. 6600

Public Act No. 21-165

AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT, THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, TEMPORARY FIRE MARSHALS, CERTAIN FIRE REPORTS AND SMALL WATER HEATERS.

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

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 Section 29-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(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] model fire and life safety codes 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] code shall provide for reasonable safety from fire, smoke and panic therefrom, in all buildings, structures and areas adjacent [thereto] to such buildings and structures, except in private dwellings occupied by one or two families and upon all

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premises. [, and] The code shall [include provision for (A)] require (1) carbon monoxide detection and warning equipment in [(i)] (A) new residential buildings not exempt under [regulations adopted pursuant to this subsection] the code 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)] (B) all public or nonpublic school buildings, and [(B)] (2) smoke detection and warning equipment in [(i)] (A) residential buildings designed to be occupied by [two] one 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] when a smoke detection and warning system is installed or replaced, and (B) 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, 2021, requiring in buildings described in subparagraphs (A) and (B) of this subdivision, equipment capable of operation using any power source permitted in the standards adopted in the code.

(2) [Said regulations] The Fire Safety Code 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

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was tested and approved and that such equipment, when activated, shall provide an alarm suitable to warn the occupants, provided] require each hotel, motel or inn [shall] to install or furnish [such] smoke detection and warning 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 to install or furnish at least one such visible alarm 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.]

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(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 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 for which a building permit for new occupancy is issued on or after October 1, 2005] the Fire Safety Code, 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 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 established pursuant to this section] Fire Safety Code.

Sec. 2. Section 20-491 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(a) The commissioner, with the advice and assistance of the board, shall adopt regulations, in accordance with the provisions of chapter 54, to: (1) Establish such qualifications for the licensing of home inspectors as the commissioner finds necessary for the public interest; (2) establish an application process for persons seeking a license as a home inspector; (3) establish continuing education requirements and standards of professional and ethical conduct for home inspectors; (4) publish a code of ethics for home inspectors; [and] (5) establish such reasonable rules and regulations as the commissioner may deem necessary or desirable to carry out and enforce the provisions of sections 20-490 to 20-495a, inclusive; and (6) establish a minimum and uniform standard for a home inspection. The minimum and uniform standard for a home inspection shall include a requirement that a home inspector report on the presence of smoke detection and warning equipment and specify where such equipment is located, the total number of such equipment, whether the home inspector is able to test such equipment, and whether the home inspector is able to verify that such equipment was less than ten years old.

(b) The commissioner, with the advice and assistance of the board, shall adopt regulations, in accordance with the provisions of chapter 54, to: (1) Establish the requirements for obtaining a permit as a home inspector intern; (2) establish application procedures for persons seeking a permit as a home inspector intern; (3) prescribe rules and standards concerning the supervision of home inspector interns by licensed home inspectors; and (4) adopt such reasonable regulations as the commissioner may deem necessary or desirable to carry out and enforce the provisions of sections 20-490 to 20-495a, inclusive. Such regulations shall require, as a condition of receiving a permit as a home inspector intern, that the applicant enroll in and complete a board-approved training program which may include a home study course.

(c) The commissioner shall establish rules concerning hearings on any

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matter under the provisions of sections 20-490 to 20-495a, inclusive.

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

(a) The State Fire Marshal, in coordination with the advisory 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 for the purposes of prevention of fire and other related emergencies. The code shall be revised as deemed necessary to incorporate any subsequent revisions to the nationally recognized fire 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, and processes and activities that occur in all buildings and structures regulated by the code and the areas adjacent to such buildings and structures.

(b) There is established an advisory 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

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months.

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

(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 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 or Fire Safety Code may, as an

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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 or Fire Safety 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 Fire Safety Code shall be fined not less than two hundred dollars or

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more than one thousand dollars or be imprisoned not more than six months, or both.

Sec. 5. Section 29-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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 Fire Safety Code or 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] or electronic mail not later than fifteen business days [of] after receipt by such local fire marshal and shall be accompanied by a letter or electronic message from such local fire marshal [that shall include comments on] regarding the merits of the application.

Sec. 6. Subsection (b) of section 29-305 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(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 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

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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.

Sec. 7. Subsection (c) of section 29-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(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, as amended by this act.

Sec. 8. Section 29-310 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(a) The Commissioner of Emergency Services and Public Protection shall thoroughly investigate the cause, circumstances and origin of all fires or explosions to which [his] the commissioner's attention has been called, in accordance with the provisions of this part, by reason of which any property has been destroyed or damaged, or any person injured or killed, and shall especially examine and decide as to whether such fire was the result of carelessness, design, an incendiary device or any other criminal act. [He] The commissioner may take the testimony under oath of any person supposed to be cognizant of or to have means of knowledge in relation to the matters as to which an examination is being made, and shall cause the same to be reduced to writing and filed in [his] the commissioner's office; and if, in [his] the commissioner's opinion, there is sufficient evidence to warrant that any person should be charged with the crime of arson or any other crime, [he] the commissioner shall forthwith submit such evidence, together with the names of the witnesses and all other information obtained by [him] the commissioner, to the proper prosecuting officer. [He] The commissioner may, in any investigation, issue subpoenas for the purposes of summoning and compelling the attendance of witnesses before [him] the commissioner to testify. [He] The commissioner may administer oaths or affirmations to witnesses before [him] the commissioner, and false swearing therein shall be perjury. [He] The commissioner, or a designee, may, in the performance of his or her duties, enter [, by himself or his assistants,] into and upon the premises or building where any fire or explosion has occurred and premises thereto adjacent in accordance with the provisions of section 29-311.

(b) Whenever it comes to [his] the commissioner's knowledge or to the knowledge of any local fire marshal that there exists in any building or upon any premises combustible material or flammable conditions dangerous to the safety of such building or premises or dangerous to any other building or property, or conditions that present a fire hazard to the occupants thereof, the State Fire Marshal, or any local fire marshal,

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obtaining such knowledge, shall order such material to be forthwith removed or such conditions remedied by the owner or occupant of such building or premises, and such owner or occupant shall be subject to the penalties prescribed [by] in section [29-295] 29-291c, as amended by this act, and, in addition thereto, shall suffer a penalty of one hundred dollars a day for each day of neglect, to be recovered in a proper action in the name of the state.

Sec. 9. Section 29-313 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

Sec. 10. Section 29-314 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2021*):

Any person who sells, offers to sell or displays for sale any portable fire extinguisher or any flame-proofing or fire retardant coating or compound, unless such fire extinguisher, coating or compound has been tested, listed and rated as satisfactory for its intended purpose by a nationally recognized testing laboratory acceptable to the State Fire Marshal and, in the case of a fire extinguisher, unless such fire extinguisher contains no active agent having an ingredient prohibited by section 29-313, as amended by this act, shall be subject to the penalties prescribed in section [29-295] 29-291c, as amended by this act.

Sec. 11. Subsection (b) of section 29-251c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021, and applicable to appointments made on and after said date*):

(b) There is established the Code Training and Education Board of Control which shall promote code training and education. No funds shall be expended for the purposes listed in subsection (a) of this section without prior approval of the Code Training and Education Board of Control. The board shall consist of seven members as follows: (1) [Three] Four members of the [Building Code Training Council] Codes and Standards Committee, one each of whom shall be appointed by the speaker [,] and majority leader [and minority leader] of the House of Representatives and the president pro tempore and majority leader of the Senate, (2) [three members] one member of the Fire Marshal Training Council, [one each of whom] who shall be appointed by the [president pro tempore, majority leader and] minority leader of the [Senate] House of Representatives, (3) one member of the Building Code Training Council, who shall be appointed by the minority leader of the Senate, and [(3)] (4) one architect, engineer, landscape architect, interior designer, builder, contractor or superintendent of construction doing business in this state, who shall be appointed by the Commissioner of Administrative Services. The members of the board shall continue in

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office for the term of three years from the first day of July next succeeding their appointment. Vacancies on the board shall be filled by the original appointing authority for the balance of the unexpired term.

Sec. 12. Section 29-297 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(b) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough or, in the case of an incorporated fire district, the executive authority of such district may, upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal, appoint a [deputy fire marshal] person who holds a fire marshal certification

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issued pursuant to section 29-298 as the acting fire marshal for a period not to exceed one hundred eighty days.

Sec. 13. Section 29-303 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The fire chief or local fire marshal with jurisdiction over a town, city, borough or fire district where a fire, explosion or other fire emergency occurs shall furnish the State Fire Marshal a report that shall include (1) all the facts relating to its cause, its origin, the kind, the estimated value and ownership of the property damaged or destroyed, and (2) [the name of each firefighter who was (A) present at such fire, explosion or other fire emergency, and (B) exposed to heat, radiation or a known or suspected carcinogen as a result of such fire, explosion or other fire emergency, including the duration of each such firefighter's exposure, and (3)] such other information as called for by the State Fire Marshal on forms furnished by the State Fire Marshal, or in an electronic format prescribed by the State Fire Marshal. The fire chief or fire marshal may also submit reports regarding other significant fire department response to such fire or explosion, and such reports may be filed monthly but commencing January 1, 2008, such reports shall be filed not less than quarterly.

Sec. 14. 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, (A) (i)

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having 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] (ii) 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] and (iii) 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) (i) having 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, and (ii) installed 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.

Sec. 15. Sections 29-291b and 29-295 of the general statutes are repealed. (*Effective July 1, 2021*)

Approved July 12, 2021