



# Senate

General Assembly

**File No. 168**

*January Session, 2009*

Substitute Senate Bill No. 1009

*Senate, March 25, 2009*

The Committee on Public Safety and Security reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING TECHNICAL CHANGES TO TITLE 29 TO INCORPORATE THE STATE FIRE PREVENTION CODE.***

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

1 Section 1. Section 29-251a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in this section, "program requirements" means any  
4 program or part of a program which is required by law. The  
5 Commissioner of Public Safety, in consultation with the Codes and  
6 Standards Committee, shall conduct a review of existing regulations of  
7 each state agency to determine whether any provision of such  
8 regulations conflicts with the State Building Code, [or] the State Fire  
9 Safety Code, the State Fire Prevention Code or any other fire safety  
10 regulation adopted under this chapter. The commissioner shall make  
11 recommendations to the department head of any state agency which  
12 has regulations that are in conflict with the State Building Code, [or]  
13 the State Fire Safety Code, the State Fire Prevention Code or any other

14 fire safety regulation adopted under this chapter for the amendment of  
15 such regulations so they no longer are in conflict with said codes or  
16 any such fire safety regulations. Not later than ninety days following  
17 receipt of such recommendations, the department head of such state  
18 agency shall initiate the process under chapter 54 to amend or repeal  
19 such regulation in order to bring such regulation into compliance with  
20 the State Building Code, [or] the State Fire Safety Code, the State Fire  
21 Prevention Code or any other fire safety regulation adopted under this  
22 chapter as the case may be, unless the amendment or repeal of such  
23 regulation would result in a conflict with the applicable agency's  
24 program requirements. The Commissioner of Public Safety, in  
25 consultation with the Codes and Standards Committee, shall report  
26 such recommendations to the joint standing committee of the General  
27 Assembly having cognizance of matters relating to public safety.

28 Sec. 2. Section 29-254 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2009*):

30 (a) Any town, city or borough or any interested person may propose  
31 amendments to the State Building Code, which proposed amendments  
32 may be either applicable to all municipalities or, where it is alleged  
33 and established that conditions exist within a municipality which are  
34 not generally found within other municipalities, any such amendment  
35 may be restricted in application to such municipality. Each  
36 amendment to the State Building Code shall be adopted in accordance  
37 with the provisions of chapter 54.

38 (b) The State Building Inspector may grant variations or exemptions  
39 from, or approve equivalent or alternate compliance with, the State  
40 Building Code where strict compliance with the code would entail  
41 practical difficulty or unnecessary hardship, or is otherwise adjudged  
42 unwarranted, provided [that] the intent of the law shall be observed  
43 and public welfare and safety be assured. Any application for a  
44 variation or exemption or equivalent or alternate compliance received  
45 by a local building official shall be forwarded to the State Building  
46 Inspector by first class mail [within] not later than fifteen business

47 days [of] after receipt by such local building official and shall be  
48 accompanied by a letter from such local building official that shall  
49 include comments on the merits of the application. Any such  
50 determination by the State Building Inspector shall be in writing. Any  
51 person aggrieved by any decision of the State Building Inspector may  
52 appeal to the Codes and Standards Committee [within fourteen] not  
53 later than thirty days after mailing of the decision. Any person  
54 aggrieved by any ruling of the Codes and Standards Committee may  
55 appeal to the superior court for the judicial district wherein the  
56 premises concerned are located.

57 Sec. 3. Section 29-293 of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

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

70 Sec. 4. Section 29-306 of the general statutes is repealed and the  
71 following is substituted in lieu thereof (*Effective October 1, 2009*):

72 (a) When the local fire marshal ascertains that there exists in any  
73 building, or upon any premises, (1) combustible or explosive matter,  
74 dangerous accumulation of rubbish or any flammable material  
75 especially liable to fire, that is so situated as to endanger life or  
76 property, (2) obstructions or conditions that present a fire hazard to the  
77 occupants or interfere with their egress in case of fire, or (3) a condition  
78 in violation of the statutes relating to fire prevention or safety, or any

79 regulation made pursuant thereto, the remedy of which requires  
80 construction or a change in structure, the local fire marshal shall order  
81 such materials to be immediately removed or the conditions remedied  
82 by the owner or occupant of such building or premises. Any such  
83 removal or remedy shall be in conformance with all building codes,  
84 ordinances, rules and regulations of the municipality involved. Any  
85 person, firm or corporation which violates any provision of this  
86 subsection shall be fined not more than one hundred dollars or be  
87 imprisoned not more than three months, or both, and, in addition, may  
88 be fined fifty dollars a day for each day's continuance of each violation,  
89 to be recovered in a proper action in the name of the state.

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

110 (c) If the local fire marshal or a local police officer determines that  
111 there exists in a building a risk of death or injury from (1) blocked,  
112 insufficient or impeded egress, (2) failure to maintain or the shutting

113 off of any fire protection or fire warning system required by the State  
114 Fire Safety Code or State Fire Prevention Code, (3) the storage of any  
115 flammable or explosive material without a permit or in quantities in  
116 excess of any allowable limits pursuant to a permit, (4) the use of any  
117 firework or pyrotechnic device without a permit, or (5) exceeding the  
118 occupancy limit established by the State Fire Marshal or a local fire  
119 marshal, such fire marshal or police officer may issue a verbal or  
120 written order to immediately vacate the building. Such fire marshal or  
121 police officer shall notify or submit a copy of such order to the State  
122 Fire Marshal if such marshal or officer anticipates that any of the  
123 conditions specified in subdivisions (1) to (5), inclusive, of this  
124 subsection cannot be abated in four hours or less from the time of such  
125 order. Upon receipt of any such notification or copy, the State Fire  
126 Marshal shall review such order to vacate, and after consultation with  
127 the local fire marshal or local police officer, determine whether to  
128 uphold, modify or reverse such order, with any further conditions the  
129 State Fire Marshal deems appropriate to protect any person from  
130 injury. A violation of such order shall be subject to the penalties under  
131 section 29-295.

132 Sec. 5. Section 29-307 of the general statutes is repealed and the  
133 following is substituted in lieu thereof (*Effective October 1, 2009*):

134 When any local fire marshal ascertains that there exist, in any  
135 building, structure or premises used in the carrying on of  
136 manufacturing, [including any building for which the Labor  
137 Commissioner has the power to enforce laws pertaining to the  
138 prevention of fires pursuant to section 29-390,] dangerous  
139 accumulations of rubbish or flammable materials especially liable to  
140 fire which are so situated as to endanger life or property, or  
141 obstructions that interfere with the egress of the occupants in case of  
142 fire, or any condition in violation of the statutes relating to fire  
143 prevention or safety in manufacturing establishments, [he] such fire  
144 marshal shall order such materials to be removed or the conditions to  
145 be remedied by the owner or occupants of such building or premises  
146 and shall promptly notify and report in writing such matters to the

147 [Labor Commissioner on forms provided by said commissioner]  
148 appropriate state or federal agency having jurisdiction over  
149 occupational health and safety.

150 Sec. 6. Section 29-307a of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective October 1, 2009*):

152 (a) As used in this section:

153 (1) "Employer" means a person engaged in the operation of a  
154 manufacturing establishment who has employees, but does not mean  
155 the state or any political subdivision thereof; [.]

156 (2) "Hazardous material" means any substance or material which  
157 (A) has been identified by the federal Department of Transportation as  
158 a hazardous material in the Code of Federal Regulations, Title 49, Part  
159 172, Subpart B, section 172.101, and (B) meets the definitional  
160 requirements of the hazard classes established for such hazardous  
161 materials in the Code of Federal Regulations, Title 49, Part 173,  
162 Subparts C to J, inclusive; and

163 (3) "Manufacturing establishment" means a business so designated  
164 in Sector 31, 32 or 33 of the North American Industry Classification  
165 System.

166 (b) Each employer who uses, keeps, stores or produces any  
167 hazardous material in his manufacturing establishment shall, within  
168 thirty days, provide the local fire marshal for the area where the  
169 establishment is located with notice, in writing, of the presence or  
170 elimination of any hazardous material in his establishment. The  
171 notification shall include, but not be limited to, the following: The  
172 name of the hazardous material, its federal Department of  
173 Transportation identification number and designated hazard class, the  
174 maximum inventory quantity on site, the units of measure and the  
175 location in the establishment where it can normally be found. Any  
176 employer who fails to provide notice as required by this subsection  
177 shall be assessed a civil penalty of not more than one thousand dollars

178 for each day such employer fails to provide such notice. The Attorney  
179 General, upon complaint of the local fire marshal, shall institute a civil  
180 action to recover such penalty. Any moneys collected in accordance  
181 with this section shall be deposited in the General Fund.

182 (c) Upon receipt of any notification required under the provisions of  
183 subsection (b) of this section, the local fire marshal shall distribute the  
184 information contained in such notice to the persons providing fire  
185 protection in each town, city or borough under his jurisdiction. Such  
186 information shall be in such form and distributed in such manner as  
187 the State Fire Marshal shall require. The local fire marshal shall  
188 provide a complete copy of any information submitted pursuant to  
189 subsection (b) of this section, upon written request, to the health  
190 director of the municipality in which the establishment is located.  
191 Notwithstanding the provisions of section 1-210, the local fire marshal,  
192 any firefighter, a municipal health director or any water company shall  
193 maintain the confidentiality of and not disclose such information to  
194 any person. Any local fire marshal, firefighter, municipal health  
195 director or any water company found to have disclosed such  
196 information in violation of this subsection shall have committed an  
197 infraction.

198 Sec. 7. Section 29-317 of the general statutes is repealed and the  
199 following is substituted in lieu thereof (*Effective January 1, 2011*):

200 (a) The Commissioner of Public Safety shall [make] adopt  
201 regulations in accordance with the provisions of chapter 54,  
202 prescribing reasonable minimum requirements for the installation of  
203 oil burners and equipment used in connection therewith, including  
204 tanks, piping, pumps, control devices and accessories. [In adopting  
205 such regulations, the commissioner may adopt by reference standards  
206 concerning the installation of oil burners and equipment as set forth by  
207 the National Fire Protection Association] Such regulations shall be  
208 incorporated into the State Fire Prevention Code and shall include  
209 provisions for the prevention of injury to life and damage to property,  
210 and protection from hazards incident to the installation and operation

211 of such oil burners and equipment.

212 (b) No regulation made in accordance with this section shall [be  
213 inconsistent with the provisions of section 29-316, nor apply to  
214 premises used for manufacturing nor to public service companies as]  
215 apply to any electric company, gas company or electric distribution  
216 company as such terms are defined in section 16-1. [, nor impair the  
217 rights of municipalities to enact ordinances and make rules and  
218 regulations for the installation of oil burners and equipment so far as  
219 such ordinances, rules and regulations specify requirements equal to,  
220 additional to or more stringent than the regulations issued under the  
221 authority of this section.]

222 [(c) The Commissioner of Public Safety may grant variations or  
223 exemptions from, or approve equivalent or alternate compliance with,  
224 particular provisions of any regulation issued under the provisions of  
225 this section where strict compliance with such provisions would entail  
226 practical difficulty or unnecessary hardship or is otherwise adjudged  
227 unwarranted, provided any such variation, exemption, approved  
228 equivalent or alternate compliance shall, in the opinion of the  
229 commissioner, secure the public safety and shall be made in writing.

230 (d) Any person aggrieved by any such regulation or by any act of  
231 said commissioner in enforcing the same may apply for relief to the  
232 superior court for the judicial district of Hartford or for the judicial  
233 district in which such oil burner or equipment is located or, if said  
234 court is not in session, to any judge thereof, who may grant  
235 appropriate relief.

236 (e) Any person who, by himself or his employee or agent, or as the  
237 employee or agent of another, violates or fails to comply with any  
238 regulation promulgated under this section shall be fined not more than  
239 one hundred dollars or imprisoned not more than six months or both.]

240 Sec. 8. Section 29-320 of the general statutes is repealed and the  
241 following is substituted in lieu thereof (*Effective January 1, 2011*):

242 The Commissioner of Public Safety shall [make] adopt and enforce,  
243 and may amend, reasonable regulations in accordance with the  
244 provisions of chapter 54, concerning the safe storage, use,  
245 transportation by any mode and transmission by pipeline of  
246 flammable or combustible liquids. [In adopting such regulations, said  
247 commissioner may adopt by reference standards concerning  
248 flammable or combustible liquids as set forth by the National Fire  
249 Protection Association] Such regulations shall be incorporated into the  
250 State Fire Prevention Code and shall include provisions for the  
251 prevention of damage to property and injury to life, and protection  
252 from hazards incident to the storage, use, transportation by any mode  
253 and transmission by pipeline of such liquids. Such regulations shall  
254 not apply to any electric company, electric distribution [and gas  
255 companies, as] company or gas company, as such terms are defined in  
256 section 16-1.

257 Sec. 9. Section 29-322 of the general statutes is repealed and the  
258 following is substituted in lieu thereof (*Effective January 1, 2011*):

259 (a) No person shall operate, and no owner shall permit the  
260 operation of, a cargo tank motor vehicle, as defined in the Code of  
261 Federal Regulations Title 49, Section 171.8, as amended from time to  
262 time, used for the transportation of flammable or combustible liquids,  
263 liquefied petroleum gas, liquefied natural gas or hazardous chemicals  
264 until such vehicle has been inspected [in accordance with the  
265 provisions of this section] if such inspection is required pursuant to  
266 subsection (b) of this section.

267 (b) [Each] Any city, town or borough may, by ordinance, require the  
268 local fire marshal [shall] to inspect once each year, and more often if  
269 necessary, all [tanks and] cargo tank motor vehicles registered with the  
270 Commissioner of Motor Vehicles and located in [his] such fire  
271 marshal's jurisdiction and used for the storage or transportation of  
272 flammable or combustible liquids, [and shall promptly report to the  
273 Commissioner of Public Safety each definite hazard so found. All such  
274 inspections shall be made in accordance with the regulations provided

275 for in section 29-320. The local fire marshal of the city, town or  
276 borough in which the vehicle is registered by the Commissioner of  
277 Motor Vehicles shall issue for each vehicle inspected and approved a  
278 certificate furnished by the Commissioner of Public Safety which shall  
279 be carried in the vehicle and kept with the certificate of registration for  
280 such vehicle at all times] liquefied petroleum gas, liquefied natural gas  
281 or hazardous chemicals. No city, town or borough, other than the one  
282 in which the vehicle is registered by the Commissioner of Motor  
283 Vehicles, shall require any further inspection or cause any further  
284 inspection to be made, or exact any license fees for such inspection, or  
285 exact any license fees for the transportation of flammable or  
286 combustible liquids, liquefied petroleum gas, liquefied natural gas or  
287 hazardous chemicals into or out of such city, town or borough.

288 Sec. 10. Section 29-323 of the general statutes is repealed and the  
289 following is substituted in lieu thereof (*Effective January 1, 2011*):

290 Any person aggrieved by any [such regulation] ordinance adopted  
291 pursuant to section 29-322, as amended by this act, or any act of [said  
292 commissioner] a local fire marshal in enforcing [the same] any such  
293 ordinance may apply for relief to the superior court for the judicial  
294 district of Hartford or for the judicial district in which [such plant or  
295 equipment is located] the cargo tank motor vehicle is registered, or, if  
296 said court is not in session, to any judge thereof, who may grant  
297 appropriate relief.

298 Sec. 11. Section 29-324 of the general statutes is repealed and the  
299 following is substituted in lieu thereof (*Effective January 1, 2011*):

300 Any person who, by himself or his employee or agent, or as the  
301 employee or agent of another, [violates any regulation promulgated  
302 under section 29-320, or who] operates or permits the operation of a  
303 motor vehicle in violation of section 29-322, as amended by this act,  
304 shall be fined not more than five hundred dollars or imprisoned not  
305 more than six months or both for the first offense, and not less than  
306 five hundred dollars nor more than one thousand dollars or  
307 imprisoned not more than one year or both for each subsequent

308 offense. If death or injury results from any such violation, the fine shall  
309 be not more than ten thousand dollars and the period of imprisonment  
310 not more than ten years or both.

311 Sec. 12. Section 29-329 of the general statutes is repealed and the  
312 following is substituted in lieu thereof (*Effective January 1, 2011*):

313 (a) The State Fire Marshal shall [make] adopt regulations, in  
314 accordance with the provisions of chapter 54, prescribing reasonable  
315 minimum requirements for the installation and operation of gas  
316 equipment and gas piping. [In the writing of such regulations said fire  
317 marshal may adopt by reference standards concerning gas equipment  
318 and piping installation as set forth by the National Fire Protection  
319 Association] Such regulations shall be incorporated into the State Fire  
320 Prevention Code and shall include provisions for the prevention of  
321 injury to life and damage to property and protection from hazards  
322 incident to the installation and operation of such gas equipment and  
323 piping.

324 (b) No regulation [made] adopted in accordance with this section  
325 shall apply to [premises used for manufacturing or to public service  
326 companies, as] any electric company, gas company or electric  
327 distribution company, as such terms are defined in section 16-1. [, nor  
328 shall any such regulation impair the rights of municipalities to enact  
329 ordinances and make rules and regulations for the installation of gas  
330 equipment and gas piping so far as such ordinances, rules and  
331 regulations specify requirements equal or additional to or more  
332 stringent than the regulations issued under the authority of this  
333 section.]

334 [(c) The State Fire Marshal may grant variations or exemptions  
335 from, or approve equivalent or alternate compliance with, particular  
336 provisions of any regulation issued under the provisions of this section  
337 where strict compliance with such provisions would entail practical  
338 difficulty or unnecessary hardship or is otherwise adjudged  
339 unwarranted, provided any such variation, exemption, approved  
340 equivalent or alternate compliance shall, in the opinion of the State Fire

341 Marshal, secure the public safety and shall be made in writing.

342 (d) Any person aggrieved by any such regulation or by any act of  
343 said Fire Marshal in enforcing the same may apply for relief to the  
344 superior court for the judicial district of Hartford or for the judicial  
345 district in which such gas equipment or gas piping is located or, if said  
346 court is not in session, to any judge thereof, who may grant  
347 appropriate relief.

348 (e) Any person who, by himself or his employee or agent or as the  
349 employee or agent of another, violates or fails to comply with any  
350 regulation adopted under this section shall be fined not more than one  
351 hundred dollars or imprisoned not more than six months or both.]

352 Sec. 13. Section 29-330 of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective January 1, 2011*):

354 The term "liquefied petroleum gas", as used in [sections 29-331 and  
355 29-332] this chapter, means and includes any material which is  
356 composed predominantly of any of the following hydrocarbons or  
357 mixtures of the same: Propane, propylene, butane, normal or isobutane  
358 and butylene. The term "liquefied natural gas", as used in [sections 29-  
359 331 and 29-332] this chapter, means a fluid in the liquid state  
360 composed predominantly of methane and which may contain minor  
361 quantities of ethane, propane, nitrogen or other components normally  
362 found in natural gas.

363 Sec. 14. Section 29-331 of the general statutes is repealed and the  
364 following is substituted in lieu thereof (*Effective January 1, 2011*):

365 The Commissioner of Public Safety shall [make] adopt reasonable  
366 regulations, in accordance with the provisions of chapter 54,  
367 concerning the safe storage, use, transportation by any mode and  
368 transmission by pipeline of liquefied petroleum gas. Regulations  
369 concerning safe storage shall specify standards to ensure maximum  
370 security against unauthorized entry into storage areas where liquefied  
371 petroleum gas or liquefied natural gas is stored. [In adopting such

372 regulations, said commissioner may adopt by reference standards  
373 concerning liquefied petroleum gas as set forth by the National Fire  
374 Protection Association] Such regulations shall be incorporated into the  
375 State Fire Prevention Code and shall include provisions for the  
376 prevention of damage to property and injury to life, and protection  
377 from hazards incident to the storage, use, transportation by any mode  
378 and transmission by pipeline of such gas, with particular reference to  
379 the design, construction, location and operation of liquefied petroleum  
380 gas installations. Such regulations shall not apply to any electric  
381 company, electric distribution [and gas companies as] company or gas  
382 company as such terms are defined in section 16-1.

383 Sec. 15. Section 29-337 of the general statutes is repealed and the  
384 following is substituted in lieu thereof (*Effective January 1, 2011*):

385 The Commissioner of Public Safety shall [make] adopt reasonable  
386 regulations in accordance with the provisions of chapter 54 concerning  
387 the safe storage, transportation by any mode and transmission by  
388 pipeline of hazardous chemicals. [In adopting such regulations, said  
389 commissioner] Such regulations shall be incorporated into the State  
390 Fire Prevention Code and may adopt by reference standards as set  
391 forth in the Code of Federal Regulations Title 49, Parts 100 through  
392 199, as amended, [and standards concerning hazardous chemicals as  
393 set forth by the National Fire Protection Association] and include  
394 provisions for the prevention of damage to property and injury to life,  
395 and protection from hazards incident to the storage, transportation by  
396 any mode and transmission by pipeline of such chemicals.

397 Sec. 16. Section 29-343 of the general statutes is repealed and the  
398 following is substituted in lieu thereof (*Effective January 1, 2011*):

399 "Explosive", as used in sections [29-344 to 29-349, inclusive] this  
400 chapter, means any chemical compound or any mechanical mixture  
401 that contains oxidizing and combustible units or other ingredients in  
402 such proportions, quantities or packing that ignition by fire, friction,  
403 concussion, percussion or detonator may cause such a sudden  
404 generation of highly heated gases that the resultant gaseous pressure is

405 capable of destroying life or limb or of producing destructive effects to  
406 contiguous objects, but not including colloidized nitrocellulose in sheets  
407 or rods or grains not under one-eighth of an inch in diameter, wet  
408 nitrocellulose containing twenty per cent or more moisture and wet  
409 nitrostarch containing twenty per cent or more moisture; and  
410 manufactured articles shall not be held to be explosive when the  
411 individual units contain explosives in such limited quantity, of such  
412 nature or in such packing that it is impossible to produce a  
413 simultaneous or a destructive explosion of such units to the injury of  
414 life, limb or property by fire, friction, concussion, percussion or  
415 detonator, including fixed ammunition for small arms, firecrackers,  
416 safety fuses and matches. "Explosive", as used in [said sections] this  
417 chapter, shall not be deemed to include gasoline, kerosene, naphtha,  
418 turpentine or benzine.

419 Sec. 17. Section 29-357 of the general statutes is repealed and the  
420 following is substituted in lieu thereof (*Effective January 1, 2011*):

421 (a) Except as provided in subsection (b) of this section, no person,  
422 firm or corporation shall offer for sale, expose for sale, sell at retail or  
423 use or explode or possess with intent to sell, use or explode any  
424 fireworks. A person who is sixteen years of age or older may offer for  
425 sale, expose for sale, sell at retail, purchase, use or possess with intent  
426 to sell or use sparklers or fountains of not more than one hundred  
427 grams of pyrotechnic mixture per item, which are nonexplosive and  
428 nonaerial, provided (1) such sparklers and fountains do not contain  
429 magnesium, except for magnalium or magnesium-aluminum alloy, (2)  
430 such sparklers and fountains containing any chlorate or perchlorate  
431 salts do not exceed five grams of composition per item, and (3) when  
432 more than one fountain is mounted on a common base, the total  
433 pyrotechnic composition does not exceed two hundred grams.

434 (b) The State Fire Marshal shall adopt reasonable regulations, in  
435 accordance with chapter 54, for the granting of permits for supervised  
436 displays of fireworks or for the indoor use of pyrotechnics, sparklers  
437 and fountains for special effects by municipalities, fair associations,

438 amusement parks, other organizations or groups of individuals or  
439 artisans in pursuit of their trade. Such permit may be issued upon  
440 application to said State Fire Marshal and after (1) inspection of the site  
441 of such display or use by the local fire marshal to determine  
442 compliance with the requirements of such regulations, and (2)  
443 approval of the chiefs of the police and fire departments, or, if there is  
444 no police or fire department, of the first selectman, of the municipality  
445 wherein the display is to be held as is provided in this section. [, and  
446 (3) the filing of a bond by the applicant as provided in section 29-358.]  
447 No such display shall be handled or fired by any person until such  
448 person has been granted a certificate of competency by the State Fire  
449 Marshal, in respect to which a fee of one hundred dollars shall be  
450 payable to the State Treasurer when issued and which may be renewed  
451 every three years upon payment of a fee of one hundred fifty dollars to  
452 the State Treasurer, provided such certificate may be suspended or  
453 revoked by said marshal at any time for cause. Such certificate of  
454 competency shall attest to the fact that such operator is competent to  
455 fire a display. Such display shall be of such a character and so located,  
456 discharged or fired as in the opinion of the chiefs of the police and fire  
457 departments or such selectman, after proper inspection, will not be  
458 hazardous to property or endanger any person or persons. In an aerial  
459 bomb, no salute, report or maroon may be used that is composed of a  
460 formula of chlorate of potash, sulphur, black needle antimony and  
461 dark aluminum. Formulas that may be used in a salute, report or  
462 maroon are as follows: (A) Perchlorate of potash, black needle  
463 antimony and dark aluminum, and (B) perchlorate of potash, dark  
464 aluminum and sulphur. No high explosive such as dynamite,  
465 fulminate of mercury or other stimulator for detonating shall be used  
466 in any aerial bomb or other pyrotechnics. Application for permits shall  
467 be made in writing at least fifteen days prior to the date of display, on  
468 such notice as the State Fire Marshal by regulation prescribes, on forms  
469 furnished by [him] the State Fire Marshal, and a fee of fifty dollars  
470 shall be payable to the State Treasurer with each such application.  
471 After such permit has been granted, sales, possession, use and  
472 distribution of fireworks for such display shall be lawful for that

473 purpose only. No permit granted hereunder shall be transferable. Any  
474 permit issued under the provisions of this section may be suspended  
475 or revoked by the State Fire Marshal or the local fire marshal for  
476 violation by the permittee of any provision of the general statutes, any  
477 regulation or any ordinance relating to fireworks.

478 (c) The State Fire Marshal may grant variations or exemptions from,  
479 or approve equivalent or alternate compliance with, particular  
480 provisions of any regulation issued under the provisions of subsection  
481 (b) of this section where strict compliance with such provisions would  
482 entail practical difficulty or unnecessary hardship or is otherwise  
483 adjudged unwarranted, provided any such variation, exemption,  
484 approved equivalent or alternate compliance shall, in the opinion of  
485 the State Fire Marshal, secure the public safety and shall be made in  
486 writing.

487 (d) Any person, firm or corporation violating the provisions of this  
488 section shall be fined not more than one hundred dollars or  
489 imprisoned not more than ninety days or be both fined and  
490 imprisoned, except that (1) any person, firm or corporation violating  
491 the provisions of subsection (a) of this section by offering for sale,  
492 exposing for sale or selling at retail or possessing with intent to sell any  
493 fireworks with a value exceeding ten thousand dollars shall be guilty  
494 of a class A misdemeanor, and (2) any person, firm or corporation  
495 violating any provision of subsection (b) of this section or any  
496 regulation adopted thereunder shall be guilty of a class A  
497 misdemeanor, except if death or injury results from any such violation,  
498 such person, firm or corporation shall be fined not more than ten  
499 thousand dollars or imprisoned not more than ten years, or both.

500 Sec. 18. Section 29-367 of the general statutes is repealed and the  
501 following is substituted in lieu thereof (*Effective January 1, 2011*):

502 (a) The Commissioner of Public Safety shall [make] adopt and  
503 enforce, and may amend, reasonable regulations in accordance with  
504 the provisions of chapter 54, concerning the safe design, construction,  
505 manufacture, testing, certification, storage, sale, shipping, operation

506 and launching of rockets propelled by rocket motors, including, but  
507 not limited to, solid, liquid and cold propellant, hybrid, steam or  
508 pressurized liquid rocket motors. [In adopting such regulations, said  
509 commissioner may be guided by recognized national standards] Such  
510 regulations shall be incorporated into the State Fire Prevention Code  
511 and include provisions for the prevention of injury to life and damage  
512 to property and protection of hazards incident to the design,  
513 construction, manufacture, testing, storage, sale, shipping, operation  
514 and launching of such rockets.

515 (b) Such regulations shall not apply to (1) the design, construction,  
516 production, fabrication, manufacture, maintenance, launching, flight,  
517 test, operation, use of, or any activity in connection with a rocket or  
518 rocket motor when carried on by or engaged in by the government of  
519 the United States or any state government, any college, university or  
520 other institution of higher learning, any individual, firm, partnership,  
521 joint venture, corporation, or other business entity engaged in  
522 research, development, production, test, maintenance, or supply of  
523 rockets, rocket motors, rocket propellants, or rocket components as a  
524 business under contract to or for the purposes of sale to any  
525 government, college, university, institution of higher learning, or other  
526 similarly engaged business entity; or (2) the design, construction,  
527 production, fabrication, manufacture, maintenance, launching, flight,  
528 test, operation, use of, or any activity in connection with rocket-  
529 propelled model aircraft which sustain themselves against gravity by  
530 aerodynamic lifting surfaces during the entire duration of their flight  
531 in the air, or to the rocket motors that provide propulsion therefor.

532 Sec. 19. Subsection (b) of section 51-164n of the general statutes is  
533 repealed and the following is substituted in lieu thereof (*Effective*  
534 *October 1, 2009*):

535 (b) Notwithstanding any provision of the general statutes, any  
536 person who is alleged to have committed (1) a violation under the  
537 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
538 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-

539 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,  
540 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
541 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
542 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
543 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
544 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
545 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
546 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
547 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
548 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
549 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
550 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
551 14-153 or 14-163b, a first violation as specified in subsection (f) of  
552 section 14-164i, section 14-219 as specified in subsection (e) of said  
553 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
554 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
555 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
556 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,  
557 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section  
558 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,  
559 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,  
560 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
561 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section  
562 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
563 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,  
564 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
565 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
566 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-  
567 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-  
568 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
569 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
570 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-  
571 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-  
572 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-  
573 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)

574 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,  
575 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of  
576 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,  
577 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-  
578 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,  
579 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,  
580 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,  
581 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or  
582 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,  
583 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, [29-  
584 341,] 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,  
585 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
586 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)  
587 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b  
588 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-  
589 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-  
590 54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-  
591 38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a,  
592 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331,  
593 53-344 or 53-450, or (2) a violation under the provisions of chapter 268,  
594 or (3) a violation of any regulation adopted in accordance with the  
595 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any  
596 ordinance, regulation or bylaw of any town, city or borough, except  
597 violations of building codes and the health code, for which the penalty  
598 exceeds ninety dollars but does not exceed two hundred fifty dollars,  
599 unless such town, city or borough has established a payment and  
600 hearing procedure for such violation pursuant to section 7-152c, shall  
601 follow the procedures set forth in this section.

602 Sec. 20. Section 19a-343 of the general statutes is repealed and the  
603 following is substituted in lieu thereof (*Effective January 1, 2011*):

604 (a) For the purposes of sections 19a-343 to 19a-343h, inclusive, as  
605 amended by this act, a person creates or maintains a public nuisance if  
606 such person erects, establishes, maintains, uses, owns or leases any real  
607 property or portion thereof for any of the purposes enumerated in

608 subdivisions (1) to (11), inclusive, of subsection (c) of this section.

609 (b) The state has the exclusive right to bring an action to abate a  
610 public nuisance under this section and sections 19a-343a to 19a-343h,  
611 inclusive, involving any real property or portion thereof, commercial  
612 or residential, including single or multifamily dwellings, provided  
613 there have been three or more arrests, or the issuance of three or more  
614 arrest warrants indicating a pattern of criminal activity and not  
615 isolated incidents, for conduct on the property documented by a law  
616 enforcement officer for any of the offenses enumerated in subdivisions  
617 (1) to (11), inclusive, of subsection (c) of this section within the three  
618 hundred sixty-five days preceding commencement of the action.

619 (c) Three or more arrests, or the issuance of three or more arrest  
620 warrants indicating a pattern of criminal activity and not isolated  
621 incidents, for the following offenses shall constitute the basis for  
622 bringing an action to abate a public nuisance:

623 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88  
624 or 53a-89.

625 (2) Promoting an obscene performance or obscene material under  
626 section 53a-196 or 53a-196b, employing a minor in an obscene  
627 performance under section 53a-196a, importing child pornography  
628 under section 53a-196c, possessing child pornography in the first  
629 degree under section 53a-196d, possessing child pornography in the  
630 second degree under section 53a-196e or possessing child pornography  
631 in the third degree under section 53a-196f.

632 (3) Transmission of gambling information under section 53-278b or  
633 53-278d or maintaining of a gambling premises under section 53-278e.

634 (4) Offenses for the sale of controlled substances, possession of  
635 controlled substances with intent to sell, or maintaining a drug factory  
636 under section 21a-277, 21a-278 or 21a-278a or use of the property by  
637 persons possessing controlled substances under section 21a-279.  
638 Nothing in this section shall prevent the state from also proceeding

639 against property under section 21a-259 or 54-36h.

640 (5) Unauthorized sale of alcoholic liquor under section 30-74 or  
641 disposing of liquor without a permit under section 30-77.

642 (6) Violations of the inciting injury to persons or property law under  
643 section 53a-179a.

644 (7) Maintaining a motor vehicle chop shop under section 14-149a.

645 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,  
646 53a-56 or 53a-56a.

647 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of  
648 subsection (a) of section 53a-60 or section 53a-60a.

649 (10) Sexual assault under section 53a-70 or 53a-70a.

650 (11) Fire safety violations under section 29-292, subsection (b) of  
651 section 29-310, or section 29-315, [29-317,] 29-320, as amended by this  
652 act, [29-325,] 29-329, as amended by this act, 29-337, as amended by  
653 this act, 29-349 or 29-357, as amended by this act.

654 Sec. 21. Subsection (e) of section 14-140 of the general statutes is  
655 repealed and the following is substituted in lieu thereof (*Effective*  
656 *January 1, 2011*):

657 (e) In addition, the provisions of subsection (b) of this section shall  
658 apply to sections 29-322, as amended by this act, [29-332, 29-339,] 29-  
659 349 and 29-351.

660 Sec. 22. Subsection (a) of section 51-344a of the general statutes is  
661 repealed and the following is substituted in lieu thereof (*Effective*  
662 *January 1, 2011*):

663 (a) Whenever the term "judicial district of Hartford-New Britain" or  
664 "judicial district of Hartford-New Britain at Hartford" is used or  
665 referred to in the following sections of the general statutes, it shall be  
666 deemed to mean or refer to the judicial district of Hartford on and after

667 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
668 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,  
669 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
670 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
671 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
672 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
673 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
674 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
675 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
676 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
677 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
678 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
679 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-  
680 63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-180, 22a-182a, 22a-184, 22a-  
681 220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l,  
682 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-  
683 361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-  
684 449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-  
685 161z, [29-317,] 29-323, as amended by this act, [29-329, 29-334, 29-340,  
686 29-369,] 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284,  
687 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,  
688 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27,  
689 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134,  
690 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b,  
691 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776,  
692 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k,  
693 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-  
694 194, 52-146j, 53-392d and 54-211a.

695 Sec. 23. Section 22a-448 of the general statutes is repealed and the  
696 following is substituted in lieu thereof (*Effective January 1, 2011*):

697 For the purposes of sections 22a-133a to 22a-133j, inclusive, sections  
698 22a-448 to 22a-454, inclusive, and section 22a-457a:

699 (1) "Chemical liquids" means any chemical, chemical solution or

700 chemical mixture in liquid form;

701 (2) "Emergency" means any situation which requires state or local  
702 efforts to save lives and protect property and public health or safety or  
703 to avert or lessen the threat of disaster;

704 (3) "Hazardous waste" means any waste material which may pose a  
705 present or potential hazard to human health or the environment when  
706 improperly treated, stored, transported or disposed of or otherwise  
707 managed including hazardous waste identified in accordance with  
708 Section 3001 of the Resource Conservation and Recovery Act of 1976  
709 (42 USC 6901 et seq.);

710 (4) "Oil or petroleum" means oil or petroleum of any kind or in any  
711 form including, but not limited to, waste oils and distillation products  
712 such as fuel oil, kerosene, naphtha, gasoline and benzene, or their  
713 vapors;

714 (5) "Solid, liquid or gaseous products" means any substance or  
715 material including but not limited to hazardous chemicals, [as defined  
716 in section 29-336,] flammable liquids, as defined in section 29-320, as  
717 amended by this act, explosives as defined in section 29-343, as  
718 amended by this act, liquefied petroleum gas, as defined in section 43-  
719 36, hazardous materials designated in accordance with the Hazardous  
720 Materials Transportation Act (49 USC 1801 et seq.) and hazardous  
721 substances designated in accordance with Section 311 of the federal  
722 Water Pollution Control Act;

723 (6) "Waste oil" means oil having a flash point at or above one  
724 hundred forty degrees Fahrenheit (sixty degrees Centigrade) which is  
725 no longer suitable for the services for which it was manufactured due  
726 to the presence of impurities or a loss of original properties, including  
727 but not limited to crude oil, fuel oil, lubricating oil, kerosene, diesel  
728 fuels, cutting oil, emulsions, hydraulic oils, polychlorinated biphenyls  
729 and other halogenated oils that have been discarded as waste or are  
730 recovered from oil separators, oil spills, tank bottoms or other sources;

731 (7) "Floating boom retention device" means a floating containment  
732 barrier used to contain floating oil or petroleum;

733 (8) "Hazardous chemicals" means (A) any materials that are highly  
734 flammable or that may react to cause fires or explosions, or which by  
735 their presence create or augment a fire or explosion hazard, or which  
736 because of their toxicity, flammability or liability to explosion render  
737 fire fighting abnormally dangerous or difficult; (B) flammable liquids  
738 that are chemically unstable and that may spontaneously form  
739 explosive compounds, or undergo spontaneous reactions of explosive  
740 violence, or with sufficient evolution of heat to be a fire hazard; or (C)  
741 such materials as compressed gases, liquefied gases, flammable solids,  
742 corrosive liquids, oxidizing materials, potentially explosive chemicals,  
743 highly toxic materials and poisonous gases;

744 (9) "Compressed gas" means any mixture or material having in the  
745 container either an absolute pressure exceeding forty pounds per  
746 square inch at seventy degrees Fahrenheit, or an absolute pressure  
747 exceeding one hundred four pounds per square inch at one hundred  
748 thirty degrees Fahrenheit, or both, or any liquid flammable material  
749 having a vapor pressure exceeding forty pounds per square inch at one  
750 hundred degrees Fahrenheit;

751 (10) "Corrosive liquids" means those acids, alkaline caustic liquids  
752 and other corrosive liquids that, when in contact with living tissue,  
753 will cause severe damage of such tissue by chemical action or are liable  
754 to cause fire when in contact with organic matter or with certain  
755 chemicals;

756 (11) "Flammable solid" means a solid substance, other than one  
757 classified as an explosive, that is liable to cause fires through friction,  
758 absorption of moisture, spontaneous chemical changes or as a result of  
759 retained heat from manufacturing or processing;

760 (12) "Highly toxic materials" means materials so toxic to man as to  
761 afford an unusual hazard to life and health during firefighting  
762 operations, including parathion, malathion, TEPP (tetraethyl

763 phosphate), HETP (hexaethyl tetraphosphate), and similar insecticides  
 764 and pesticides;

765 (13) "Oxidizing materials" means substances such as chlorates,  
 766 permanganates, peroxides or nitrates, that yield oxygen readily to  
 767 stimulate combustion;

768 (14) "Poisonous gas" means and includes any noxious gas of such  
 769 nature that a small amount of the gas when mixed with air is  
 770 dangerous to life, including chlorpicrin, cyanogen, hydrogen cyanide,  
 771 nitrogen peroxide and phosgene;

772 (15) "Potentially explosive chemical" means any chemical substance,  
 773 other than one classified as an explosive, which can be exploded by  
 774 heat or shock when it is unconfined and unmixed with air or other  
 775 materials; and

776 (16) "Vapor pressure" means the pressure, measured in pounds per  
 777 square inch (absolute), exerted by a volatile liquid as determined by  
 778 the nationally recognized good practice known as the Reid method.

779 Sec. 24. Section 29-366 of the general statutes is repealed and the  
 780 following is substituted in lieu thereof (*Effective January 1, 2011*):

781 Any person, firm or corporation violating the provisions of sections  
 782 [29-358] 29-359 to 29-365, inclusive, shall be fined not more than one  
 783 hundred dollars or imprisoned not more than ninety days or be both  
 784 fined and imprisoned.

785 Sec. 25. Sections 29-316, 29-321, 29-325 to 29-328, inclusive, 29-332 to  
 786 29-335, inclusive, 29-336, 29-338 to 29-341, inclusive, 29-358 and 29-368  
 787 to 29-370, inclusive, of the general statutes are repealed. (*Effective*  
 788 *January 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	29-251a

Sec. 2	<i>October 1, 2009</i>	29-254
Sec. 3	<i>October 1, 2009</i>	29-293
Sec. 4	<i>October 1, 2009</i>	29-306
Sec. 5	<i>October 1, 2009</i>	29-307
Sec. 6	<i>October 1, 2009</i>	29-307a
Sec. 7	<i>January 1, 2011</i>	29-317
Sec. 8	<i>January 1, 2011</i>	29-320
Sec. 9	<i>January 1, 2011</i>	29-322
Sec. 10	<i>January 1, 2011</i>	29-323
Sec. 11	<i>January 1, 2011</i>	29-324
Sec. 12	<i>January 1, 2011</i>	29-329
Sec. 13	<i>January 1, 2011</i>	29-330
Sec. 14	<i>January 1, 2011</i>	29-331
Sec. 15	<i>January 1, 2011</i>	29-337
Sec. 16	<i>January 1, 2011</i>	29-343
Sec. 17	<i>January 1, 2011</i>	29-357
Sec. 18	<i>January 1, 2011</i>	29-367
Sec. 19	<i>October 1, 2009</i>	51-164n(b)
Sec. 20	<i>January 1, 2011</i>	19a-343
Sec. 21	<i>January 1, 2011</i>	14-140(e)
Sec. 22	<i>January 1, 2011</i>	51-344a(a)
Sec. 23	<i>January 1, 2011</i>	22a-448
Sec. 24	<i>January 1, 2011</i>	29-366
Sec. 25	<i>January 1, 2011</i>	Repealer section

**Statement of Legislative Commissioners:**

In subdivision (3) of subsection (a) of section 6, the citation to sectors was changed for proper form.

**PS**            *Joint Favorable Subst.-LCO*

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:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Dpt (Probation)	GF - Cost	Potential	Potential
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Savings	Potential Minimal	Potential Minimal

**Explanation**

The bill makes changes in various statutes to incorporate provisions of the State Fire Prevention Code, many of which are technical in nature. The bill also requires the Commissioner of the Department of Public Safety (DPS) to revise existing regulations to incorporate the State Fire Prevention Code. These changes and revisions are not anticipated to result in any fiscal impact to the state.

In addition, the bill makes a number of changes to statutes governing municipal authority as it relates to the State Fire Prevention Code, the majority of which are not anticipated to result in any fiscal impact to municipalities. Section nine, however, makes voluntary the current requirement that local fire marshals annually inspect tanks used to store various combustible materials, resulting in a potential minimal savings for municipalities.

The bill increases the maximum criminal fines that can be imposed for certain violations. Since relatively few such fines are imposed

under current law, any revenue gain is anticipated to be minimal.

The bill also increases the potential period of incarceration (max 60 days to max 6 months) for any violation of CGS 29-328, which are the dry cleaning regulations. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community would result. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender. Any revenue gain from criminal fines imposed is anticipated to be minimal.

### ***The Out Years***

The annualized potential cost of incarceration/probation identified above would continue into the future subject to inflation. The potential revenue from criminal fines indicated above remains constant into the future since fine amounts are set by statute.

**OLR Bill Analysis****sSB 1009*****AN ACT CONCERNING TECHNICAL CHANGES TO TITLE 29 TO INCORPORATE THE STATE FIRE PREVENTION CODE.*****SUMMARY:**

This bill makes numerous unrelated changes in various statutes affecting the fire safety and fire prevention codes, state building inspector, manufacturing establishments, explosives and fireworks, local fire marshals, and hazardous chemicals. Many are technical, conforming, and updating changes.

The bill makes substantial changes in the penalties for certain fire safety violations by subjecting violators to the penalties provided under an existing provision for violations of the Fire Prevention Code.

EFFECTIVE DATE: Various, see below.

**§ 1 — REVIEW OF AGENCY REGULATIONS FOR CODE COMPLIANCE**

Current law requires the public safety commissioner to review state agency regulations and recommend amendments to eliminate any conflicts with the state building and fire safety codes. The bill additionally requires the commissioner to recommend amendments to eliminate conflicts with the State Fire Prevention Code and explosive and fireworks regulations. And as is currently required for building and fire code changes, an agency must initiate the process to amend or repeal conflicting regulations within 90 days after receiving the recommendation, unless the modification would conflict with the agency's program requirements.

EFFECTIVE DATE: October 1, 2009

**§ 2 — APPEALS OF STATE BUILDING INSPECTOR'S DECISIONS**

The bill extends, from 14 to 30 days, the deadline for appealing to the Codes and Standards Committee the state building inspector's decision to deny an application for a variation or exemption from, or equivalent or alternate compliance with, the state building code. It thus makes the deadline the same as for appeals of the state fire safety code.

EFFECTIVE DATE: October 1, 2009

### **§ 3 — REGULATION OF FIRE ZONES**

The bill extends the authority to regulate fire zones to the Fire Prevention Code. Under the bill, the code must require the establishment of fire zones. But municipalities also retain their authority, under current law, to require such zones by ordinance.

The bill requires the Fire Prevention Code, like the Fire Safety Code, to specify the reasonable minimum requirements for fire safety in new and existing buildings.

EFFECTIVE DATE: October 1, 2009

### **§ 4 — STATE FIRE MARSHAL OVERSIGHT OF BUILDING VACATION ORDERS**

Current law requires local fire marshals or local police officers to notify the state fire marshal when they issue an order to vacate a building posing a risk of injury or death and the conditions cannot be corrected in four hours or less. The bill requires them either to notify or submit a copy of the order to the state fire marshal. The state fire marshal must review the order and, after consulting with the local official, determine whether to uphold, modify, or reverse it. He or she may order any additional conditions he or she considers appropriate to protect people from injury.

EFFECTIVE DATE: October 1, 2009

### **§ 5 — NOTIFICATION OF FIRE HAZARDS**

The bill requires fire marshals to notify the proper state or federal occupational health and safety agency (i.e., the state or federal

Occupational Safety and Health Administration), instead of the labor commissioner, if they determine that a manufacturing facility contains dangerous accumulations of rubbish or flammable material especially liable to cause a fire and endanger life or property.

EFFECTIVE DATE: October 1, 2009

## **§ 6 — DEFINITION OF MANUFACTURING ESTABLISHMENTS**

By law, employers who keep, use, store, or produce hazardous material in manufacturing establishments must notify the local fire marshal of its presence or elimination. The bill adopts the meaning of “manufacturing establishment” designated in sectors 31 to 33 of the North American Industry Classification System (NAICS).

NAICS is a classification system that groups establishments into sectors based on the economic activities in which they are primarily engaged. Manufacturing is classified as sectors 31, 32, and 33. The activities in these sectors are “the mechanical, physical, or chemical transformation of material, substances, or components into new products.”

EFFECTIVE DATE: October 1, 2009

## **§§ 7, 8, 12, 14, 15, & 18 — REGULATIONS AND STATE FIRE PREVENTION CODE**

The bill repeals provisions that allow the commissioner, in adopting regulations, to (1) adopt the National Fire Protection Association standards, by reference, for certain regulations and (2) be guided by recognized national standards when adopting regulations for motor-propelled rockets. Instead, the bill requires that the regulations be incorporated in the Fire Prevention Code. The regulations address the:

1. installation of oil burners and related equipment (§ 7);
2. installation and operation of gas equipment and gas piping (§ 12);
3. safe storage, use, and transportation, or transmission of

flammable or combustible liquids and liquefied petroleum gas (LPG) (propane) and liquefied natural gas (LNG) (§§ 8 & 14);

4. safe storage, transportation, or transmission of hazardous chemicals (§ 15); and
5. safe design, construction, manufacture, testing, certification, storage, shipping, operation, and launching of motor-propelled rockets (§ 18).

The bill eliminates municipal authority to enact ordinances and make rules and regulations equal to, additional to, or more stringent than the regulations pertaining to the installation of oil burners and equipment and the installation and operation of gas equipment and gas piping.

EFFECTIVE DATE: January 1, 2011

#### **§§ 9, 10, & 25 — INSPECTION OF FLAMMABLE LIQUID TANKS AND VEHICLES**

Current law requires local fire marshals, annually, to inspect tanks used to store LPG, LNG, hazardous chemicals, or other flammable or combustible liquids, and cargo tank vehicles used to transport such chemicals or liquids; report any hazards found to the public safety commissioner; and issue an inspection certificate to be kept in the vehicle at all times. It prohibits transporting flammable or combustible liquid in such vehicles until they have been inspected.

The bill eliminates the mandatory vehicle inspections, allowing municipalities, instead, to require, by ordinance, inspection of such vehicles registered with the motor vehicles commissioner. It prohibits operation of any such vehicle without inspection, if required. The bill also eliminates the mandatory (1) tank inspections and (2) hazard reports.

The bill allows appeals of an ordinance or local fire marshals' actions to the Superior Court in the district where the vehicle is registered. Under current law, appeals of the regulations or the

commissioner's actions go to the Superior Court where the plant or equipment is located. Under current law and the bill, appeals may also go to the Hartford Superior Court.

EFFECTIVE DATE: January 1, 2011

**§ 11 — PENALTIES**

This section eliminates the penalties for violating regulations under CGS § 29-320 concerning the safe storage, use, transportation or transmission of flammable or combustible liquids by pipeline. (The bill eliminated the commissioner's authority to adopt regulations governing these issues, but it required regulations to be incorporated in the Fire Prevention Code.)

EFFECTIVE DATE: January 1, 2011

**§§ 13 & 16 — DEFINITIONS**

These sections make technical changes.

EFFECTIVE DATE: January 1, 2011

**§§ 17 & 25 — BOND REQUIREMENT FOR EXPLOSIVES AND FIREWORKS DISPLAY**

The bill eliminates a requirement for anyone granted a permit for supervised fireworks display to file a \$1,000 bond with the municipality.

EFFECTIVE DATE: January 1, 2011

**§ 19 — CITATIONS PAYABLE BY MAIL**

The bill allows anyone issued an unsafe building citation (a fine up to \$250) by the state or local fire marshal to pay the fine by mail under an existing statute for paying citations that includes an appeal process.

EFFECTIVE DATE: October 1, 2009

**§§ 20-24 — TECHNICAL CHANGES**

These sections makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2011

## **§ 25 — REPEALERS**

### ***Appeals***

The bill makes technical changes by repealing the following appeal provisions pertaining to:

1. dry cleaning (CGS § 29-327);
2. LPG and LNG regulations (CGS § 29-334);
3. cargo tank motor vehicles (CGS § 29-340);
4. oil burners and related equipment (CGS § 29-317 (d));
5. the installation and operation of gas equipment and piping (CGS § 29-329 (d)); and
6. rocketry design, construction, testing, and certification, among other things (CGS § 29-369).

Public Act 08-65 added a general provision governing appeals of the Fire Prevention Code (CGS § 29-291d).

### ***Waivers and Exemptions***

The bill makes technical changes affecting the commissioner's authority to grant waivers or exemptions from regulations pertaining to:

1. LPG and LNG (CGS § 29-333),
2. hazardous chemicals (CGS § 29-338),
3. the installation of oil burners and related equipment (CGS § 29-317 (c)),
4. the installation and operation of gas equipment and piping (CGS § 29-329 (c)), and

5. model rocketry (CGS § 29-368).

Public Act 08-65 implemented a provision governing waivers from the Fire Prevention Code (CGS § 29-291b).

### **Violations and Penalties**

The bill repeals the individual penalty provisions for certain violations and instead subjects violators to the penalties provided under an existing penalty provision for violations of the Fire Prevention Code codified at CGS § 29-291c(e)). Table 1 shows the legal effect of this change.

**Table 1: Penalty Provision Included in the Fire Prevention Statutes**

<b><i>Eliminated Penalty Provision</i></b>	<b><i>Current Penalty</i></b>	<b><i>Penalty Under The Bill (CGA § 29-291c)</i></b>
Safe storage, use transportation, or operation of cargo tank with hazardous chemicals (CGS § 29-341)	Up to \$500, up to six months, or both for first offense; \$1,000 to \$2,000, up to six months, or both for subsequent offense; but up to \$10,000, up to 10 years, or both if death or injury results from violation	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation
Safe storage and transportation, etc., of LPG and LNG (CGS § 29-335)	Up to \$500, up to six months, or both for a first offense; \$500 to \$1,000, up to one year, or both for subsequent offense; but up to \$10,000, 10 years, or both if death or injury results from	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation

	violation	
Rocketry regulations (CGS § 29-370)	Up to \$500, up to one year, or both	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation
Dry cleaning regulations (CGS § 29-328)	Up to \$200, up to 60 days, or both	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation
Failure to comply with the regulations prescribing minimum requirements for installing oil burners and related equipment (CGS § 29-317(e))	Up to \$100, up to six months, or both	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation
Failure to comply with the regulations prescribing minimum requirements for installing and operating gas equipment and piping (CGS § 29-329(e))	Up to \$100, up to six months, or both	\$200 to \$1,000; up to six months, or both, and violator may be fined \$50 per day for each day of a continuing violation

### ***Other Repealed Provisions***

The bill repeals the following provisions, as of January 1, 2011 (see BACKGROUND):

1. the ban on the sale of fuel oil burners not approved by a nationally recognized testing laboratory acceptable to the state fire marshal (CGS § 29-316);

2. the requirement for the commissioner to adopt regulations providing reasonable safeguards against fire and explosions in dry cleaning businesses (CGS § 29-325); and
3. the requirement for local fire marshals to inspect dry cleaning establishments, which in practice, is part of fire marshals' inspection schedule (CGS § 29-326).

EFFECTIVE DATE: January 1, 2011

**BACKGROUND**

***State Fire Prevention Code and Repealed Provisions***

PA 04-59 required the state fire marshal to adopt a Fire Prevention Code to (1) enhance the enforcement capabilities of local fire marshals and (2) prevent fire and other related emergencies. The State Fire Marshal's Office has indicated that some repealed provisions will be in the Fire Prevention Code, which is in the process of being adopted.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 21    Nay 0    (03/10/2009)