



# State of New Hampshire

DEPARTMENT OF SAFETY  
OFFICE OF THE COMMISSIONER  
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ROBERT L. QUINN  
COMMISSIONER OF SAFETY

## ADOPTION OF SAF-C 1100, AUTHORITY TO CITE FIRE SAFETY VIOLATORS RULES

I, Commissioner Robert L. Quinn, hereby certify that the material enclosed is a true copy of Saf-C 1100, Authority to Cite Fire Safety Violators Rules, adopted by me on July 25, 2022.

These rules shall replace all rules of the same number and title. These rules shall become effective upon filing.

July 25, 2022

  
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Robert L. Quinn  
Commissioner  
Department of Safety

**Readopt with amendment Saf-C 1100, effective May 23, 2012 (Document #10137), to read as follows:**

## CHAPTER Saf-C 1100 AUTHORITY TO CITE FIRE SAFETY VIOLATORS

Statutory Authority: RSA 21-P:14, II(s)

## PART Saf-C 1101 DEFINITIONS

Saf-C 1101.01 "Applicant" means a person requesting authorization to issue citations for a violation of fire safety or applicable licensing rules.

Saf-C 1101.02 "Building official" means the code enforcement or other designated authority charged with the administration and enforcement of the building code, or a duly authorized representative.

Saf-C 1101.03 "Citation" means any summons, ticket, or other document issued by a person authorized by RSA 21-P:4,VII and the provisions of these rules for a violation of fire safety rules adopted pursuant to RSA 153:4-a, RSA 153:5 and RSA 160-C, and to unlicensed persons who perform actions that require a license pursuant to RSA 153:28 or RSA 153:29-a, ordering the person named in the document to appear in the court specified.

Saf-C 1101.04 "Commission" means the New Hampshire fire standards and training commission established pursuant to RSA 21-P:26.

Saf-C 1101.05 "Commissioner" means the commissioner of the department of safety or the commissioner's designee.

Saf-C 1101.06 "Council" means the New Hampshire police standards and training council established pursuant to RSA 106-L:3.

Saf-C 1101.07 "Fire chief" means the person in charge of a fire department as defined in RSA 154:1-d, I(e).

Saf-C 1101.08 "Fire prevention officer" means a person engaged in the inspection of buildings or structures for the purpose of determining whether they are safe and in compliance with fire codes. The term includes a fire inspector or a fire marshal.

Saf-C 1101.09 "Fire investigator" means a person principally engaged in the investigation of the origin and cause of fires.

Saf-C 1101.10 "Full-time work experience" means a work assignment that is a person's principal source of employment and is on a permanent basis, the number of hours per week having been established by the hiring authority as a full-time work week.

Saf-C 1101.11 "Licensing inspector" means a person engaged in the inspection of persons employed to do work involving mechanical codes, licenses, or certifications in the fields of electrical, gas, oil, or plumbing for the purpose of determining whether the work performed is safe and in compliance with applicable codes, as well as to ensure that all proper licenses have been obtained.

Saf-C 1101.12 "Part-time work experience" means a work assignment that is less than full-time experience.

## PART SAF-C 1102 GENERAL APPLICATION REQUIREMENTS

### Saf-C 1102.01 Application for Citation Authority.

(a) An applicant requesting authorization to issue citations for a violation of fire safety rules or applicable licensing rules shall complete and submit an application on form DSFS 142, "Citation Authority Application," (rev. 6/22).

(b) An applicant shall have, at minimum, one year of full-time work experience or 2 years of part-time work experience as a fire chief, fire prevention officer, fire investigator, licensing inspector, building official, or code enforcement officer for the state or a fire department of the state or any political subdivision thereof.

(c) An applicant shall have successfully completed a course, as evidenced by the issuance of a certificate, conducted by the council and the commission that is composed of the following elements:

- (1) Search and seizure;
- (2) Fire safety rules and state laws and codes;
- (3) Evidence gathering; and
- (4) Procedures for issuing a citation.

(d) An applicant shall have a total point accumulation of a minimum of 100 points, as set forth in (e) below.

(e) Points shall be accumulated on the following basis:

- (1) Successful completion of a fire inspector promotional examination given by a municipality or the commission shall entitle a person to 50 points;
- (2) Attainment of an associate, bachelors, or master's degree in fire protection from an accredited higher educational institution shall entitle a person to 100 points;
- (3) Current certification by the commission as a fire inspector or fire officer shall entitle a person to 100 points;
- (4) Current certification by the National Fire Protection Association, International Code Council, Pro Board, or other nationally accredited certifying agency as evidenced by successful completion of an examination specific to the application of building or fire codes, shall entitle a person to 100 points;
- (5) Current certification by the council as a part-time or full-time police officer, as defined in Pol 101.30 and Pol 101.24 respectively, shall entitle a person to 100 points; and
- (6) Successful completion of a course in fire investigation, fire inspection, building inspection, or fire or building codes offered by the New Hampshire technical college, the division of fire standards and training and emergency medical services, the National Fire Academy, the National Fire Protection Association, the International Code Council, the commission, or an accredited institution or organization shall entitle a person to 25 points for each course.

(f) An applicant shall submit a letter of recommendation or endorsement from the executive office of the department at which the person is employed and copies of certificates or other evidence of completion that meet the criteria of this rule.

(g) An applicant shall sign and date the DSFS 142 form, "Citation Authority Application", and in doing so, shall certify the following under the penalties of unsworn falsification pursuant to RSA 641:3: "I certify that I have read the foregoing and affirm that every statement contained herein is true and correct. I also certify that I am familiar with all state laws, regulations and local ordinances relating to the issuance of fire safety violations."

#### Saf-C 1102.02 Denial of Authorization.

(a) In determining whether to grant or deny citation authority, the commissioner shall review the application for citation authority, and grant authority if the applicant complies with the provisions of Saf-C 1102.01.

(b) The commissioner shall deny an application for citation authority if the applicant has been convicted of any of the following:

- (1) A crime against person or property; or
- (2) A crime involving the breach of a fiduciary duty.

(c) The commissioner shall notify the applicant, in writing, of the reason(s) for denial of citation authority.

#### Saf-C 1102.03 Grant of Authorization.

(a) Upon review of the application for citation authority pursuant to Saf-C 1102.01, if the commissioner grants authority to issue citations, the applicant shall be notified, by letter.

(b) An authorization to issue citations shall be valid until:

- (1) The authority is revoked, pursuant to Saf-C 1102.05; or
- (2) The person terminates employment with a fire department of the state or any political subdivision thereof.

(c) Any person who has been issued authorization to issue citations shall notify the commissioner within 30 days of the termination of their employment with the department or political subdivision at which the person was employed when the authority was issued. Unless the person is employed with another fire department or political subdivision and provides the letter of recommendation or endorsement, as set forth in Saf-C 1102.01(f), the person shall turn in their letter of authorization to the commissioner.

#### Saf-C 1102.04 Automatic Renewal of Authorization.

(a) An authorization to issue citations shall be automatically renewed, without application, if the person:

- (1) Successfully completes a refresher course; or

(2) Successfully demonstrates a minimum of 8 hours of continuing education on an annual basis, composed of the elements listed in (b) below.

(b) For the purposes of (a)(1) above, a refresher course shall be composed of the following elements:

- (1) Review of search and seizure laws and procedures;
- (2) Review of updates and changes to fire safety rules, applicable licensing rules, and state laws and codes;
- (3) Review of evidence gathering procedures; and
- (4) Review of procedures for issuing a citation.

(c) A refresher course conducted by the commission and council shall be deemed to meet the requirements of (b) above. All other refresher courses shall be approved by the commission and council, to ensure that the requirements of (b) above are met.

(d) The person shall be responsible for maintaining all records of completed courses and continuing education. Such records shall be made available to the commissioner, upon request.

#### Saf-C 1102.05 Revocation of Authorization.

(a) The commissioner shall, after an opportunity for a hearing, revoke a person's authority to issue citations for any of the following:

- (1) Failure to turn in the letter of authorization, pursuant to Saf-C 1102.03(c);
- (2) Materially false or misleading information in the person's application;
- (3) Misuse or abuse of the citation authority; or
- (4) Failure to abide by any provision of these rules.

(b) All hearings shall be conducted by the bureau of hearings in accordance with the requirements of Saf-C 200.

#### Saf-C 1102.06 Refresher Course.

(a) The commissioner shall require any person who has been granted citation authority to complete a refresher training course pursuant to Saf-C 1102.04(b) when:

- (1) The person has evidenced a lack of understanding of the fire safety or applicable licensing rules;
- (2) The fire safety or applicable licensing rules have been amended, in order for the person to have current knowledge of the rules; or
- (3) The person has not maintained the continuing education requirement pursuant to Saf-C 1102.04(a)(2).

#### Saf-C 1102.07 Restoration of Authorization.

(a) Any person whose authority to issue citations has been suspended for termination of employment pursuant to Saf-C 1102.03(b)(2) shall have that authority restored within 2 years of the termination if the person:

- (1) Submits evidence of re-employment as a fire prevention officer, fire chief, fire inspector, fire marshal, fire investigator, licensing inspector, building official, or code enforcement officer for the state, or a fire department of the state or any political subdivision thereof;
- (2) Meets the requirements of Saf-C 1102.01; and
- (3) Successfully completes a refresher course.

(b) Any person whose authority to issue citations has been suspended for termination of employment pursuant to Saf-C 1102.03(b)(2) for more than 2 years, shall make application for citation authority pursuant to Saf-C 1102.01.

**APPENDIX**

<b>Provision of the Proposed Rule</b>	<b>Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement</b>
Saf-C 1101.01-Saf-C 1101.03	RSA 541-A:7
Saf-C 1101.04	RSA 21-P:26; RSA 541-A:7
Saf-C 1101.05	RSA 541-A:7
Saf-C 1101.06	RSA 106-L:3; RSA 541-A:7
Saf-C 1101.07 through Saf-C 1101.12	RSA 541-A:7
Saf-C 1102.01 through Saf-C 1102.07	RSA 21-P:14, II(s), RSA 21-P:4, VII and RSA 153:4-A, IV