

Senator Dan R. Eastman proposes the following substitute bill:

UTAH FIREWORKS ACT AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Dan R. Eastman

This act modifies the Public Safety Code by raising the fee for a state license for display or special effects operators from \$10 to \$30. The act also raises the fee for an importer or wholesaler of pyrotechnic devices from \$250 to \$500 and requires that half of the money be used by the State Fire Marshall Division to establish a public fireworks education program. This act has an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-7-204, as last amended by Chapter 25, Laws of Utah 2001

53-7-223, as last amended by Chapter 14, Laws of Utah 1995

53-7-224, as enacted by Chapter 234, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-7-204** is amended to read:

53-7-204. Duties of Utah Fire Prevention Board -- Local administrative duties.

(1) The board shall:

(a) make rules:

(i) adopting a nationally recognized fire code and the specific edition of that fire code as the state fire code to be used as the standard;

(ii) establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any:

(A) publicly owned building, including all public and private schools, colleges, and university buildings;



26 (B) building or structure used or intended for use as an asylum, a mental hospital, a
27 hospital, a sanitarium, a home for the aged, an assisted living facility, a children's home or day
28 care center, or any similar institutional type occupancy of any capacity; and

29 (C) place of assemblage where 50 or more persons may gather together in a building,
30 structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;

31 (iii) establishing safety and other requirements for placement and discharge of display
32 fireworks based upon:

33 (A) the specific edition of the nationally recognized fire code selected by the board
34 under Subsection (1)(a)(i); and

35 (B) relevant publications of the National Fire Protection Association;

36 (iv) establishing minimum safety standards for retail storage, handling, and sale of
37 class C common state approved explosives;

38 (v) establishing a statewide public fireworks education program that emphasizes the
39 safe and responsible use of class C common state approved fireworks;

40 [~~(vi)~~] (vi) defining methods to establish proof of competence to place and discharge
41 display fireworks;

42 [~~(vii)~~] (vii) for deputizing qualified persons to act as deputy fire marshals, and to secure
43 special services in emergencies;

44 [~~(viii)~~] (viii) implementing Sections 53-7-106 and 53-7-205;

45 [~~(ix)~~] (ix) setting guidelines for use of funding; and

46 [~~(x)~~] (x) establishing criteria for training and safety equipment grants for fire
47 departments enrolled in firefighter certification;

48 (b) recommend to the commissioner a state fire marshal;

49 (c) develop policies under which the state fire marshal and his authorized
50 representatives will perform;

51 (d) provide for the employment of field assistants and other salaried personnel as
52 required;

53 (e) prescribe the duties of the state fire marshal and his authorized representatives;

54 (f) establish a statewide fire prevention, fire education, and fire service training
55 program in cooperation with the Board of Regents;

56 (g) establish a statewide fire statistics program for the purpose of gathering fire data

57 from all political subdivisions of the state;

58 (h) establish a fire academy in accordance with Section 53-7-204.2;

59 (i) coordinate the efforts of all people engaged in fire suppression in the state;

60 (j) work aggressively with the local political subdivisions to reduce fire losses; and

61 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire
62 suppression systems in the interest of safeguarding lives and property.

63 (2) The board may incorporate in its rules by reference, in whole or in part, nationally
64 recognized and readily available standards and codes pertaining to the protection of life and
65 property from fire, explosion, or panic.

66 (3) (a) The board may only make amendments to the state fire code adopted under
67 Subsection (1)(a)(i) in accordance with Section 53-7-205.

68 (b) The amendments may be applicable to the entire state or within a city, county, or
69 fire protection district.

70 (4) The following functions shall be administered locally by a city, county, or fire
71 protection district:

72 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and
73 19-2-114;

74 (b) creating a local board of appeals in accordance with the state fire code; and

75 (c) establishing, modifying, or deleting fire flow and water supply requirements.

76 Section 2. Section **53-7-223** is amended to read:

77 **53-7-223. State license for display or special effects operators -- Permit -- Fee --**
78 **Division duties -- Revocation.**

79 (1) A person may not purchase, possess, or discharge display or special effects
80 fireworks unless the person has obtained a display or special effects operator license from the
81 division.

82 (2) The division shall:

83 (a) issue an annual license to any display or special effects operator who:

84 (i) applies for the permit;

85 (ii) pays a [~~\$10~~] \$30 fee;

86 (iii) demonstrates proof of competence; and

87 (iv) certifies that he will comply with the rules governing placement and discharge of

88 fireworks established by the board;

89 (b) provide the licensee with a copy of the rules governing placement and discharge of
90 fireworks made under Section 53-7-204; and

91 (c) together with county and municipal officers enforce Sections 53-7-220 through
92 53-7-225.

93 (3) The division may:

94 (a) revoke a license issued under this section for cause;

95 (b) seize display and special effects fireworks, fireworks, and unclassified fireworks
96 that are offered for sale, sold, or in the possession of an individual in violation of Sections
97 53-7-220 through 53-7-225; and

98 (c) create application and certification forms.

99 Section 3. Section **53-7-224** is amended to read:

100 **53-7-224. Licensing importers and wholesalers -- Fee.**

101 (1) The division shall:

102 [~~(+)~~] (a) annually license each importer and wholesaler of pyrotechnic devices; and

103 [~~(2)~~] (b) charge an annual license fee of [~~\$250.~~] \$500.

104 (2) One-half of license fees collected under Subsection (1)(b) shall be deposited in the
105 General Fund as a dedicated credit to be used by the division to establish the public fireworks
106 education program established under Subsection 53-7-204(1)(a)(v).

107 Section 4. **Effective date.**

108 If approved by two-thirds of all the members elected to each house, this act takes effect
109 upon approval by the governor, or the day following the constitutional time limit of Utah
110 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
111 the date of veto override.