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FIREWORKS DISPLAY FEE AMENDMENT

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies the Utah Fire Prevention and Safety Act regarding firework display license fees and the definition of certain explosives.

Highlighted Provisions:

This bill:

▶ increases the fee for a display or special effects fireworks display operator license from \$10 to \$40; and

▶ amends the definition of classes A, B, and C explosives to reflect U.S. Department of Transportation definitions.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-202, as last amended by Chapter 25, Laws of Utah 2001

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

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

Section 1. Section **53-7-202** is amended to read:



28 **53-7-202. Definitions.**

29 As used in this part:

30 (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:

31 (a) uses sound or light when deployed; and

32 (b) is designated to prevent crop damage or unwanted animals from entering a
33 specified area.

34 (2) "Board" means the Utah Fire Prevention Board created in Section 53-7-203.

35 (3) "Class A explosive" means a [~~class A~~] division 1.1 or 1.2 explosive as defined by
36 the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

37 (4) "Class B explosive" means a [~~class B~~] division 1.2 or 1.3G explosive as defined by
38 the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

39 (5) "Class C explosive" means a [~~class C~~] division 1.4G explosive as defined by the
40 U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

41 (6) (a) "Class C common state approved explosive" means a class C explosive that is:

42 (i) a cardboard or heavy paper cylindrical tube or cone that:

43 (A) produces a shower of color and sparks that reach a maximum height of 15 feet;

44 (B) may whistle or pop; and

45 (C) is not designed to explode or leave the ground;

46 (ii) a pyrotechnic wheel device that:

47 (A) may be attached to a post or tree; and

48 (B) contains up to six "driver" units or tubes;

49 (iii) any device that:

50 (A) spins, jumps, or emits popping sounds when placed on the ground;

51 (B) does not exceed a height of 15 feet when discharged; and

52 (C) does not travel laterally more than ten feet on a smooth surface when discharged;

53 (iv) a morning glory, suzuki, or flitter sparkler; and

54 (v) a single tube day type parachute that does not carry any flare or flame upon descent.

55 (b) "Class C common state approved explosive" does not mean:

56 (i) class C dangerous explosives; or

57 (ii) exempt explosives.

58 (7) (a) "Class C dangerous explosive" means a class C explosive that is:

- 59 (i) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- 60 (ii) a skyrocket or any device other than a model rocket that uses combustible or
- 61 explosive material and rises more than 15 feet when discharged;
- 62 (iii) a roman candle or other device that discharges balls of fire over 15 feet in height;
- 63 (iv) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or
- 64 similar devices more than 15 feet into the air; and
- 65 (v) a chaser, whistler, or other device that darts or travels more than ten feet laterally
- 66 on a smooth surface or exceeds 15 feet in height when discharged.
- 67 (b) A "class C dangerous explosive" does not mean:
- 68 (i) class C common state approved explosives; or
- 69 (ii) exempt explosives.
- 70 (8) "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle,
- 71 mine, and any similar class C explosive or class B explosive.
- 72 (9) (a) "Display operator" means the person who purchases and is responsible for
- 73 setting up and discharging display fireworks.
- 74 (b) "Display operator" does not mean a fire department.
- 75 (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare,
- 76 snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches
- 77 in length.
- 78 (11) (a) "Fireworks" means:
- 79 (i) class C explosives;
- 80 (ii) class C dangerous explosives; and
- 81 (iii) class C common state approved explosives.
- 82 (b) "Fireworks" does not mean:
- 83 (i) exempt explosives;
- 84 (ii) class A explosives; and
- 85 (iii) class B explosives.
- 86 (12) "Importer" means a person who brings class B or class C explosives into Utah for
- 87 the general purpose of resale within the state or exportation to other states.
- 88 (13) (a) "Pyrotechnic" means any composition or device manufactured or used to
- 89 produce a visible or audible effect by combustion, deflagration, or detonation.

90 (b) "Pyrotechnic" does not mean exempt explosives.

91 (14) "Retail seller" means a person who sells class C common state approved
92 explosives to the public during the period authorized under Section 53-7-225.

93 (15) "State fire code" means a nationally recognized fire code adopted by the Utah Fire
94 Prevention Board pursuant to Section 53-7-204.

95 (16) "Trick noisemaker" includes a:

96 (a) tube or sphere containing pyrotechnic composition that produces a white or colored
97 smoke as its primary effect when ignited; and

98 (b) device that produces a small report intended to surprise the user, including a:

99 (i) "booby trap," which is a small tube with a string protruding from both ends that
100 ignites the friction sensitive composition in the tube when the string is pulled;

101 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of
102 explosive composition coated on bits of sand that explodes producing a small report;

103 (iii) "trick match," which is a kitchen or book match coated with a small quantity of
104 explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

105 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of
106 explosive composition that produces a small report when the cigarette is ignited; and

107 (v) "auto burglar alarm," which is a tube that:

108 (A) contains pyrotechnic composition that produces a loud whistle and smoke when
109 ignited;

110 (B) may contain a small quantity of explosive to produce a small explosive noise; and

111 (C) is ignited by a squib.

112 (17) "Unclassified fireworks" means any of the following:

113 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been
114 tested, approved, and classified by the U.S. Department of Transportation;

115 (b) an approved device that has been altered or redesigned since obtaining approval by
116 the U.S. Department of Transportation; and

117 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler
118 before receiving approval by the U.S. Department of Transportation.

119 (18) "Wholesaler" means any of the following:

120 (a) a person who sells class C common state approved explosives to a retailer; and

121 (b) a person who sells class B explosives or class C dangerous explosives for display
122 use.

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

124 **53-7-223. State license for display or special effects operators -- Permit -- Fee --**
125 **Division duties -- Revocation.**

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

129 (2) The division shall:

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

131 (i) applies for the permit;

132 (ii) pays a [~~\$10~~] \$40 fee;

133 (iii) demonstrates proof of competence; and

134 (iv) certifies that he will comply with the rules governing placement and discharge of
135 fireworks established by the board;

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

138 (c) together with county and municipal officers enforce Sections 53-7-220 through
139 53-7-225.

140 (3) The division may:

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

142 (b) seize display and special effects fireworks, fireworks, and unclassified fireworks
143 that are offered for sale, sold, or in the possession of an individual in violation of Sections
144 53-7-220 through 53-7-225; and

145 (c) create application and certification forms.

Legislative Review Note
as of 1-17-07 6:30 PM

Office of Legislative Research and General Counsel

H.B. 300 - Fireworks Display Fee Amendment

Fiscal Note

2007 General Session
State of Utah

State Impact

It is estimated that the bill will increase state revenues by \$9,000 annually beginning FY 2008.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
Dedicated Credits	\$0	\$0	\$0	\$0	\$9,000	\$9,000
Total	\$0	\$0	\$0	\$0	\$9,000	\$9,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Fireworks display operators will pay a \$30 increase for a license.
