

Representative James A. Dunnigan proposes the following substitute bill:

UTAH FIRE PREVENTION BOARD AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill modifies the membership of the Utah Fire Prevention Board.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ increases the membership of the Utah Fire Prevention Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-7-202, as last amended by Laws of Utah 2013, Chapter 247

53-7-203, as last amended by Laws of Utah 2010, Chapter 286

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

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



26 **53-7-202. Definitions.**

27 As used in this part:

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

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

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

32 (2) "Class A explosive" means a division 1.1 or 1.2 explosive as defined by the United
33 States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

34 (3) "Class B explosive" means a division 1.2 or 1.3G explosive as defined by the
35 United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

36 (4) "Class C explosive" means a division 1.4G explosive as defined by the United
37 States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

38 (5) "Class C common state approved explosive" means a firework that:

39 (a) is purchased at retail for use by a consumer; and

40 (b) is not a Class C dangerous explosive.

41 (6) (a) "Class C dangerous explosive" means a class C explosive that is:

42 (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar
43 explosive;

44 (ii) (A) a skyrocket;

45 (B) a missile type rocket;

46 (C) a single shot, or reloadable aerial shell; or

47 (D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C),

48 including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500
49 grams of pyrotechnic composition; or

50 (iii) (A) a bottle rocket;

51 (B) a roman candle;

52 (C) a rocket mounted on a wire or stick; or

53 (D) a device containing a rocket described in this Subsection (6)(a)(iii).

54 (b) A "class C dangerous explosive" does not mean exempt explosives.

55 (7) "Commercial cooking appliance fire suppression system":

56 (a) means an automatic or manual fire protection system designed for commercial

57 cooking appliances, exhaust hoods, and ducts; and

58 (b) includes a commercial kitchen exhaust system attached to a fire suppression system
59 that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting from
60 cooking operations.

61 (8) (a) "Display fireworks" means large firework devices that consist of explosive
62 materials that are intended for use in outdoor aerial fireworks displays to produce visible or
63 audible effects by combustion, deflagration, or detonation.

64 (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells,
65 comets, mines, and other similar explosives.

66 (9) (a) "Display operator" means a person licensed under Section 53-7-223 and who is
67 responsible for site selection, setting up, permits, overseeing assistants and support personnel,
68 and discharging display fireworks outdoors in situations where the audience maintains a
69 specific distance separating it from the display fireworks being discharged.

70 (b) "Display operator" does not mean a fire department.

71 (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal flare,
72 snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12 inches
73 in length.

74 (11) "Fire executive" means a fire chief, deputy fire chief, or other active member of a
75 fire department or fire district who has been appointed by the elected officials of a municipality
76 or county, by a fire district board, or by an established procedure within a volunteer fire service
77 organization, to officially represent a fire department.

78 [~~(11)~~] (12) "Fire extinguisher" means a portable or stationary device that discharges
79 water, foam, gas, or other material to extinguish a fire.

80 [~~(12)~~] (13) "Fire suppression system" means an automatic fire protection system that
81 automatically detects fire and discharges a fire extinguishing agent onto or in the area of the
82 fire.

83 [~~(13)~~] (14) (a) "Fireworks" means:

- 84 (i) class C explosives;
- 85 (ii) class C dangerous explosives; and
- 86 (iii) class C common state approved explosives.

87 (b) "Fireworks" does not mean:

88 (i) exempt explosives;

89 (ii) class A explosives; or

90 (iii) class B explosives.

91 ~~[(14)]~~ (15) "Flame effects" means the combustion of flammable solids, liquids, or
92 gases to produce thermal, physical, visual, or audible phenomena before an audience.

93 ~~[(15)]~~ (16) (a) "Flame effects operator" means a person licensed under Section
94 [53-7-223](#) who, regarding flame effects, is responsible for:

95 (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and
96 support personnel, and preventing accidental discharge; and

97 (ii) completion of the sequence of control system functions that release the fuel for
98 ignition to cause combustion and create the flame effects.

99 (b) (i) "Flame effects operator" does not include a person who participates in a
100 meeting, as limited under Subsection ~~[(15)]~~ (16)(b)(ii), with other persons solely to receive
101 training, to practice, or provide instruction regarding flame effects performance.

102 (ii) A meeting under Subsection ~~[(15)]~~ (16)(b)(i) may include a nonpaying and
103 unsolicited audience of not more than 25 persons.

104 ~~[(16)]~~ (17) "Importer" means a person who brings class B or class C explosives into
105 Utah for the general purpose of:

106 (a) resale or use within the state; or

107 (b) exportation to other states.

108 ~~[(17)]~~ (18) (a) "Pyrotechnic" means any composition or device manufactured or used to
109 produce a visible or audible effect by combustion, deflagration, or detonation.

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

111 ~~[(18)]~~ (19) "Retail seller" means a person who sells class C common state approved
112 explosives to the public during the period authorized under Section [53-7-225](#).

113 ~~[(19)]~~ (20) "Service" means the inspection, maintenance, repair, modification, testing,
114 or cleaning of an automatic fire suppression system.

115 ~~[(20)]~~ (21) "Special effects" means a visual or audible effect caused by chemical
116 mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical
117 reaction that results in heat, gas, sound, or light and may also create an illusion.

118 ~~[(21)]~~ (22) "Special effects operator" means a person licensed under Section [53-7-223](#)

119 who is responsible for setting up, permits, overseeing assistants and support personnel,
120 analyzing potential hazards, setting clearances, and discharging pyrotechnic devices, either
121 indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic
122 devices than the audience separation distance generally required for display fireworks.

123 [~~(22)~~] (23) "Trick noisemaker" includes a:

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

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

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

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

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

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

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

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

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

139 (C) is ignited by a squib.

140 [~~(23)~~] (24) "Unclassified fireworks" means:

141 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been
142 tested, approved, and classified by the United States Department of Transportation;

143 (b) an approved device that has been altered or redesigned since obtaining approval by
144 the United States Department of Transportation; and

145 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler
146 before receiving approval by the United States Department of Transportation.

147 [~~(24)~~] (25) "Wholesaler" means:

148 (a) a person who sells class C common state approved explosives to a retailer; or

149 (b) a person who sells class B explosives or class C dangerous explosives for display

150 use.

151 Section 2. Section 53-7-203 is amended to read:

152 **53-7-203. Utah Fire Prevention Board -- Creation -- Members -- Terms --**
153 **Selection of chair and officers -- Quorum -- Meetings -- Compensation -- Division's duty**
154 **to implement board rules.**

155 (1) There is created within the division the Utah Fire Prevention Board.

156 (2) The board shall be nonpartisan and be composed of [~~10~~] 13 members appointed by
157 the governor as follows:

158 (a) a city or county official;

159 (b) a licensed architect;

160 (c) a licensed engineer;

161 (d) a member of the Utah State Firemen's Association;

162 (e) the state forester or the state forester's designee;

163 (f) the commissioner of the Labor Commission or the commissioner's designee;

164 (g) a member of the Utah State Fire Chiefs Association;

165 (h) a member of the Utah Fire Marshal's Association;

166 (i) a building inspector; [~~and~~]

167 (j) a citizen appointed at large[-];

168 (k) a fire executive appointed from a full-time fire department in a county of the first
169 class;

170 (l) a fire executive appointed from a full-time fire department in a county of the second
171 class; and

172 (m) a fire executive appointed from a fire department in a county of the third, fourth,
173 fifth, or sixth class.

174 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
175 expire, the governor shall appoint each new member or reappointed member to a four-year
176 term.

177 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the
178 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
179 board members are staggered so that approximately half of the board is appointed every two
180 years.

181 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
182 appointed for the unexpired term.

183 (5) A member whose term has expired may continue to serve until a replacement is
184 appointed pursuant to Subsection (3).

185 (6) The board shall select from its members a chair and other officers as the board finds
186 necessary.

187 (7) A majority of the members of the board is a quorum.

188 (8) The board shall hold regular semiannual meetings for the transaction of its business
189 at a time and place to be fixed by the board and shall hold other meetings as necessary for
190 proper transaction of business.

191 (9) A member may not receive compensation or benefits for the member's service, but
192 may receive per diem and travel expenses in accordance with:

193 (a) Section [63A-3-106](#);

194 (b) Section [63A-3-107](#); and

195 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
196 [63A-3-107](#).

197 (10) The division shall implement the rules of the board and perform all other duties
198 delegated by the board.