

28 76-10-306, as last amended by Laws of Utah 2010, Chapter 61

29

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

31 Section 1. Section 11-3-3.5 is amended to read:

32 **11-3-3.5. Licensing of retail sellers of fireworks -- Permit required -- Fee,**
 33 **insurance, or bond.**

34 (1) (a) A municipality or county may require a retail seller to obtain a license and pay a
 35 reasonable fee before selling ~~Ĥ→ [class-C]~~ a division 1.4G ~~←Ĥ~~ common state-approved ~~Ĥ→ [~~
 35a ~~explosives]~~ explosive, as defined in Section 53-7-202, ~~←Ĥ~~ within the jurisdiction
 36 of that municipality or county.

37 (b) A municipality or county may not restrict the number of licenses to be issued under
 38 this section.

39 (2) (a) A municipality [~~or~~], county, or fire district shall require:

40 (i) a permit to discharge all display fireworks, special effects, and flame effects
 41 performances; and

42 (ii) evidence that the display operator, special effects operator, or flame effects operator
 43 who will set up and discharge the display has received a license from the State Fire Marshal
 44 Division, Department of Public Safety.

45 (b) A municipality [~~or~~], county, or fire district may require a fee, insurance, or a bond
 46 before issuing a permit under this Subsection (2).

47 Section 2. Section 15A-5-303 is amended to read:

48 **15A-5-303. Amendments and additions to NFPA related to manufacture,**
 49 **transportation, storage, and retail sales of fireworks.**

50 (1) For purposes of this section and subject to Subsection (2), the Utah Fire Prevention
 51 Board shall adopt standards by rule for the retail sales of consumer fireworks, and in doing so,
 52 shall consider the applicable provisions of the ~~Ĥ→~~ [most-recent] 2013 ~~←Ĥ~~ edition of NFPA 1124,
 52a Chapter 7,
 53 Retail Sales of Consumer Fireworks.

54 (2) NFPA 1124 Manufacture, Transportation, Storage, and Retail Sales of Fireworks
 55 and Pyrotechnic Articles:

56 (a) In NFPA 1124, Chapter 7, Section 7.2, Special Limits for Retail Sales of Consumer
 57 Fireworks, Subsection 7.2.8 is added as follows: "Display of [~~Class-C]~~ division 1.4G common
 58 state approved explosives inside of buildings protected throughout with an automatic fire

183 ~~[(18)]~~ (19) (a) "Pyrotechnic" means any composition or device manufactured or used to
184 produce a visible or audible effect by combustion, deflagration, or detonation.

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

186 ~~[(19)]~~ (20) "Retail seller" means a person who sells ~~[class C]~~ division H ~~→ [1.1G]~~ 1.4G ~~← H~~
186a common
187 state approved explosives to the public during the period authorized under Section 53-7-225.

188 ~~[(20)]~~ (21) "Service" means the inspection, maintenance, repair, modification, testing,
189 or cleaning of an automatic fire suppression system.

190 ~~[(21)]~~ (22) "Special effects" means a visual or audible effect caused by chemical
191 mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical
192 reaction that results in heat, gas, sound, or light and may also create an illusion.

193 ~~[(22)]~~ (23) "Special effects operator" means a person licensed under Section 53-7-223
194 who is responsible for setting up, permits, overseeing assistants and support personnel,
195 analyzing potential hazards, setting clearances, and discharging pyrotechnic devices, either
196 indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic
197 devices than the audience separation distance generally required for display fireworks.

198 ~~[(23)]~~ (24) "Trick noisemaker" includes a:

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

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

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

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

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

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

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

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

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

245 (A) display operators and special effects operators who receive a license from the
 246 division in accordance with Section 53-7-223 and approval from their local licensing authority
 247 in accordance with Section 11-3-3.5; and

248 (B) operators approved by the Division of Wildlife Resources or Department of
 249 Agriculture and Food to discharge agricultural and wildlife fireworks.

250 (ii) Importers and wholesalers licensed under Section 53-7-224 may possess, sell, and
 251 offer to sell [~~class C~~] division 1.4G dangerous explosives.

252 (2) Unclassified fireworks may not be sold, or offered for sale.

253 Section 6. Section **53-7-226** is amended to read:

254 **53-7-226. Violations -- Misdemeanor.**

255 A person is guilty of a class B misdemeanor if he:

256 (1) violates this part;

257 (2) violates any order made under this part;

258 (3) produces, reproduces, or uses the official seal of registration of the division in any
 259 manner or for any purpose inconsistent with the designated purpose of the seal;

260 (4) removes, uses, or damages service tags or other labels or markings in a manner
 261 inconsistent with the designated use of the service tag;

262 (5) engages in the sale, storage, or handling of [~~class C fireworks~~] division 1.4G

263 **H→ [explosive] common state approved explosives ←H** without a permit where a local
 263a government requires a permit;

264 (6) sells at retail, transports, possesses, or discharges [~~class C~~] division 1.4G dangerous
 265 explosives [~~as defined in Section 53-7-202~~];

266 (7) performs or intends to perform services or induces the public to enter into any
 267 obligation relating to the performance of those services that are untrue, misleading, or
 268 reasonably known to be untrue or misleading; or

269 (8) builds in violation of the division's plan review or written instructions conducted on
 270 building specifications, building plans, or amendments of those specifications or plans as
 271 required under this part.

272 Section 7. Section **76-10-306** is amended to read:

273 **76-10-306. Explosive, chemical, or incendiary device and parts -- Definitions --**

274 **Persons exempted -- Penalties.**

275 (1) As used in this section: