

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER :

CHAIR :

I move to amend SB844 _____
 _____ Of the printed Bill
 Page 2 Section 1 Lines 2
 _____ Of the Engrossed Bill

By deleting Sections 1, 2, 5, 6 and 7 in their entirety and inserting in lieu thereof the following Sections 1, 2, 5, 6 and 7:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Don Armes

Adopted: _____

Reading Clerk

1 "SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1635 of Title 68, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The purpose of this act is to enact a licensing program for
5 outdoor display fireworks for Oklahoma entities and a licensing
6 program for individuals conducting outdoor fireworks displays in
7 this state. The purpose of these programs is to ensure a level of
8 competence that promotes safety for the public, fire service
9 personnel, and fireworks display operators and their employees and
10 service personnel. It is not the purpose of this act to regulate
11 United States Department of Transportation Division 1.4G consumer
12 fireworks as defined by NFPA standards or paragraph 2 of Section
13 1622 of Title 68 of the Oklahoma Statutes.

14 B. As used in this act:

15 1. "Licensed outdoor display operator" means an individual who
16 by experience, training, and examination recognized and approved by
17 the State Fire Marshal has demonstrated the necessary knowledge and
18 ability to safely assemble, discharge and supervise outdoor display
19 fireworks in accordance with NFPA 1123;

20 2. "Operator" shall have the same meaning as "licensed outdoor
21 display operator", as defined in paragraph 1 of this subsection;

22 3. "Display fireworks" means fireworks devices that are
23 primarily intended for commercial displays which are designed to
24 produce visible and/or audible effects by combustion, deflagration

1 or detonation. Display fireworks include, but are not limited to,
2 salutes containing more than two grains (130mg) of explosive
3 composition, aerial shells containing more than forty (40) grams of
4 pyrotechnic compositions and other exhibition display items that
5 exceed the limits for consumer fireworks according to the United
6 States Department of Transportation (DOT);

7 4. "Event" means any function or gathering at which there will
8 be a fireworks display. If a function or gathering lasts more than
9 one (1) day, each day is a separate event. Event does not include
10 any function or gathering at which only consumer fireworks, as
11 defined in paragraph 2 of Section 1622 of Title 68 of the Oklahoma
12 Statutes, will be used exclusively;

13 5. "Distributor" means any person engaged in the business of
14 making sales of display fireworks as defined in paragraph 3 of
15 Section 1622 of Title 68 of the Oklahoma Statutes or materials to
16 Oklahoma-licensed or -permitted entities for the purpose of
17 providing fireworks or pyrotechnic display services in this state.
18 A distributor may sell display fireworks only to Oklahoma-licensed
19 or -permitted entities. An out-of-state distributor shall not be
20 required to obtain an Oklahoma license when selling exclusively to a
21 holder of an Oklahoma manufacturer, distributor, or wholesaler
22 license;

23 6. "NFPA" means the National Fire Protection Association;
24

1 7. "NFPA 1123" means the NFPA publication entitled "NFPA 1123:
2 Code for Fireworks Display", 2010 Edition or any subsequent edition
3 that has been adopted by the State Fire Marshal by rule;

4 8. "NFPA 1124" means the NFPA publication entitled "NFPA 1124:
5 Code for Manufacture, Transportation, Storage, and Retail Sale of
6 Fireworks and Pyrotechnic Articles", 2006 Edition or any subsequent
7 edition that has been adopted by the State Fire Marshal by rule;

8 9. "NFPA 1126" means the NFPA publication entitled "NFPA 1126:
9 Standards for the Use of Pyrotechnics Before a Proximate Audience",
10 2011 Edition or any subsequent edition that has been adopted by the
11 State Fire Marshal by rule;

12 10. "Outdoor fireworks display" means a presentation of display
13 fireworks for a public or private gathering as defined by NFPA 1123;

14 11. "Proximate pyrotechnics" means pyrotechnic devices for
15 professional use only, used outdoors or indoors, that are similar to
16 consumer fireworks in chemical composition but that are not intended
17 for consumer use, and that are defined by NFPA 1126 as 1.4G or 1.4S
18 fireworks or pyrotechnics;

19 12. "Proximate pyrotechnic display" means the use of
20 pyrotechnic devices and materials, 1.4G or 1.4S fireworks or
21 pyrotechnics when any portion of the audience is closer than
22 permitted by NFPA 1123, and subject to NFPA 1126 requirements; and
23
24

1 13. "Sponsor" means any person or organization which contracts
2 with a licensed entity, licensed distributor or licensed outdoor
3 display operator to conduct a fireworks display.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1636 of Title 68, unless there
6 is created a duplication in numbering, reads as follows:

7 A. An individual or entity shall have the appropriate Oklahoma
8 license or permit to conduct an outdoor fireworks display.

9 B. To receive a manufacturer, distributor or wholesaler
10 license, an applicant shall make application to the State Fire
11 Marshal on a form prescribed by the State Fire Marshal. The
12 application shall be accompanied by the required fee. An individual
13 seeking a license as a sole proprietor or on behalf of a business
14 entity shall be at least twenty-one (21) years of age and shall not
15 have been convicted of or pled guilty or nolo contendere to any
16 state or federal felony. In the case of a business seeking a
17 license, no officer or member of its governing board shall have been
18 convicted of or pled guilty or nolo contendere to any state or
19 federal felony.

20 Nothing in this act shall be construed as applying to shipping,
21 sale, possession or use of display fireworks when displayed by
22 holders of a permit for a public display to be conducted in
23 accordance with the rules and regulations of the State Fire Marshal
24 Commission.

1 Applications for permits for display fireworks shall be
2 submitted in writing prior to the date of display to the Authority
3 Having Jurisdiction (AHJ) as defined by the NFPA 1123 where the
4 display is to occur. If the display is in an area outside the
5 jurisdiction of a municipality, application for the permit shall be
6 submitted in writing to the Office of the State Fire Marshal ten
7 (10) days prior to the date of the display. Every display shall be
8 under the direction of a competent, responsible, licensed outdoor
9 display operator, of legal age, and shall be conducted under the
10 code of regulations as adopted by the State Fire Marshal Commission.
11 The individual or organization applying for a permit shall submit to
12 the AHJ evidence of a general liability insurance policy in an
13 amount of not less than One Million Dollars (\$1,000,000.00) or the
14 amount set forth by the local governing authority. Before a permit
15 is granted, a local fire inspector or an agent of the State Fire
16 Marshal shall inspect and approve or reject the site of the display.
17 No permit so granted shall be transferable.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1639 of Title 68, unless there
20 is created a duplication in numbering, reads as follows:

21 The State Fire Marshal may refuse to grant, or may suspend,
22 revoke, or refuse to renew, any license or certification held under
23 the provisions of this act. The provisions of the Administrative
24 Procedures Act shall govern all matters and procedures respective to

1 hearings and judicial review of any contested case arising under
2 this act.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1640 of Title 68, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The State Fire Marshal shall establish a program for
7 licensure of outdoor display operators. To receive licensure, an
8 individual shall apply for licensure to the State Fire Marshal on a
9 form to be prescribed by the State Fire Marshal, shall be at least
10 twenty-one (21) years of age and shall not have been convicted of or
11 pled guilty or nolo contendere to any state or federal felony, and
12 shall show that the applicant has worked under complete supervision
13 on at least three (3) displays in the three (3) years immediately
14 preceding the application. In addition, an applicant shall meet the
15 following requirements:

- 16 1. Complete eight (8) hours of classroom and hands-on training;
- 17 2. Take and pass a written examination approved by and
18 conducted under the auspices of the State Fire Marshal that tests
19 outdoor operator knowledge; and
- 20 3. Pay a license fee not to exceed Seventy-five Dollars
21 (\$75.00), to be deposited in the State Fire Marshal Revolving Fund.

22 B. The State Fire Marshal shall establish the scope and type of
23 curriculum and examinations required by subsection A of this
24 section, and may require applicants to take a test created by a

1 nationally recognized pyrotechnic association. The State Fire
2 Marshal may administer the examination or may enter into an
3 agreement with a testing service or organization. The tests may be
4 administered at a specific location or time. The State Fire Marshal
5 may set by rule and collect a reasonable fee calculated to cover the
6 costs of classroom instruction and administering the test. Written
7 tests may be supplemented by practical tests or demonstrations
8 deemed necessary to determine the skill and ability of the
9 applicant. The content, type, frequency, and location of the
10 training and testing shall be designated by the State Fire Marshal.

11 C. An operator license or renewal expires three (3) years after
12 the date of the approval or reissuance. To renew the license, an
13 individual shall show to the satisfaction of the State Fire Marshal
14 that the individual has attended at least six (6) hours of
15 continuing education training to meet the approval of the State Fire
16 Marshal in the areas of licensing desired during the three-year
17 period and pay the applicable fee.

18 SECTION 7. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1641 of Title 68, unless there
20 is created a duplication in numbering, reads as follows:

21 A. It is unlawful for anyone other than a licensed outdoor
22 display operator to conduct an outdoor display using only display
23 fireworks.

24

1 B. It is unlawful for any licensed outdoor display operator to
2 conduct an outdoor fireworks display except in accordance with NFPA
3 1123.

4 C. It is allowable for a licensed outdoor display operator to
5 use 1.4G or 1.4S fireworks in outdoor displays.

6 D. A violation of subsection A or B of this section shall be a
7 misdemeanor.

8 E. Any municipality may adopt the provisions of subsections A
9 and B of this section by reference or substantial duplication as an
10 ordinance violation.

11 F. The provisions of subsection A or B of this section shall
12 not apply to individuals or organizations employing consumer
13 fireworks for their personal or display use.

14

15 53-1-7335 EK 04/04/11

16

17

18

19

20

21

22

23

24