

2018 Regular Session

HOUSE BILL NO. 532

BY REPRESENTATIVE MACK

FIRE PROTECT/FIRE MARSHAL: Provides relative to the regulation of fireworks and pyrotechnics

1 AN ACT

2 To amend and reenact R.S. 51:650(introductory paragraph), (10), and (13), 651.1(D),
3 652(A) and (B), 655, and 656(A) through (C)(1), (f), and (E) and to enact R.S.
4 51:650(14) through (31) and 651.1(E) through (G), relative to the regulation of
5 fireworks; to provide for definitions; to provide relative to unlawful sales and use;
6 to provide for certain fireworks displays; to provide for licenses and permits; to
7 authorize the adoption and promulgation of administrative rules; to direct the
8 Louisiana State Law Institute to arrange in alphabetical order and renumber certain
9 definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 51:650(introductory paragraph), (10), and (13), 651.1(D), 652(A) and
12 (B), 655, and 656(A) through (C)(1), (f), and (E) are hereby amended and reenacted and R.S.
13 51:650(14) through (31) and 651.1(E) through (G) are hereby enacted to read as follows:

14 §650. Definitions

15 As used in this Part, the following terms ~~shall~~ have the meanings ascribed to
16 them in this Section unless the context clearly indicates otherwise:

17 * * *

1 (10) "Public display" means the display of 1.4S, 1.4G, or 1.3G fireworks,
2 including fireworks not listed as permissible in R.S. 51:651, used for any purpose
3 relating to the amusement of the general public.

4 * * *

5 (13) ~~"Resident" means any person who has been domiciled in Louisiana for~~
6 ~~a period of at least twelve months immediately preceding the date of application for~~
7 ~~the permit and who has not claimed residence in any other state for any other~~
8 ~~purpose~~ "1.3G Fireworks" is a United States Department of Transportation
9 (hereinafter referred to in this Section as "DOT") classification indicating display
10 fireworks to be used by professionals in a public display.

11 (14) "1.4G Fireworks" mean consumer fireworks intended for use by the
12 general public.

13 (15) "Aerial luminary" means an airborne paper or membrane lantern
14 containing a small candle, or other device for fuel, that heats air from inside the
15 lantern causing the lantern to rise into the air and remain airborne until the candle or
16 other fuel device extinguishes or is caused to descend by environmental effects.
17 These items are commonly known as sky lanterns, Hawaii lanterns, Knogming
18 lanterns, Chinese lanterns, fire balloons, or flying luminaries.

19 (16) "Articles pyrotechnic" means a controlled pyrotechnic device intended
20 for professional use to create the effects of heat, gas, sound, dispersion of aerosols,
21 emission of visible electromagnetic radiation, or a combination of these effects that
22 may be similar to consumer fireworks in chemical composition and construction but
23 are not approved for consumer use. Such articles comply with the weight limits for
24 consumer fireworks, but are not labeled as such, and are classified by DOT in 49
25 CFR 172.101 as UN0431 or UN0432.

26 (17) "Class C Public Display" means the outdoor display of only 1.4G and
27 consumer fireworks for any purpose relating to the amusement of the general public
28 sanctioned or made by a public entity.

1 (18) "Consumer fireworks" are small fireworks usually sold at retail to
2 consumers during designated periods. These include a number of small devices
3 designed to produce audible effects, ground devices containing 50 mg or less of flash
4 powder, and aerial devices containing 130 mg or less of flash powder. The DOT
5 classifies consumer fireworks in 49 CFR 172.101 as UN0336 and UN0337.

6 (19)(a) "Display fireworks" are large fireworks used in commercial display
7 shows under the direct supervision of a licensed pyrotechnic operator. These
8 fireworks are designed primarily to produce visible or audible effects by combustion,
9 deflagration, or detonation. They include, but are not limited to, salutes containing
10 more than 2 grams (130 mg) of flash powder, aerial shells containing more than 40
11 grams of pyrotechnic compositions, and other display pieces which exceed the limits
12 of explosive materials for classification as consumer fireworks. They also include
13 fused set pieces containing components which together exceed 50 mg of flash
14 powder. Display fireworks are classified by DOT in 49 CFR 172.101 as UN0333,
15 UN0334, or UN0335.

16 (b) As provided for in this Paragraph, aerial shells containing more than 40
17 grams of pyrotechnic compositions include any break charge and visible or audible
18 effect compositions, but are exclusive of lift charge.

19 (20) "Fire prevention officer" means a chief of a fire department, a sheriff,
20 a constable, another local enforcement officer primarily responsible for fire
21 prevention, or if there is no local fire authority, the state fire marshal or his designee.

22 (21) "Firework" and "pyrotechnic" mean a broad composition or device used
23 for the purpose of producing a visible or audible effect by combustion, explosion,
24 deflagration, or detonation, and which is further defined in three general categories:
25 "articles pyrotechnic", "consumer fireworks", and "display fireworks". The term
26 "firework" does not include blank cartridges, railroad flares, model rockets, or any
27 novelty or toy cap pistols, caps, toy canes, toy guns, or other devices in which paper
28 caps containing twenty-five hundredths (25/100) grains or less of explosive
29 compounds are used, provided they are so constructed that the hand cannot come in

1 contact with the cap when in place for exploding, and toy paper pistol caps which
2 contain less than twenty-five hundredths (25/100) grains of explosive compounds.
3 The provisions of this Paragraph shall not be construed to impose labeling
4 requirements for any fireworks or novelties other than those required as provided in
5 federal law.

6 (22) "Firm" means a sole proprietorship, partnership, corporation, limited
7 liability company, or any other entity.

8 (23) "Illegal firework" means a firework device assembled, manufactured,
9 distributed, or sold in violation of this Part.

10 (24) "IMS system" means the information management system operated and
11 maintained by the office of state fire marshal.

12 (25) "License" means the document issued by the office of state fire marshal
13 to a firm or person authorizing the firm or person to engage in the activities as
14 defined by this Part and administrative rules.

15 (26) "Licensee" means any person or firm issued a license by the office of
16 state fire marshal to engage in the activities as defined by this Part and administrative
17 rules.

18 (27) "Novelty" means a device containing small amounts of pyrotechnic or
19 explosive composition but does not fall under the category of consumer fireworks.
20 Such devices include but are not limited to snakes, tanks, poppers, and snappers that
21 produce limited visible or audible effects.

22 (28) "Office" means the office of state fire marshal.

23 (29) "Person" includes any firm, corporation, association, co-partnership, or
24 one or more individuals.

25 (30) "Public entity" includes but is not limited to the state, its agencies,
26 departments, offices and commissions, political subdivisions, municipalities, and
27 parishes.

28 (31) "Pyrotechnic operator" means a person licensed through the office of
29 state fire marshal who, by experience, training, and examination, has demonstrated

1 container "United States Department of Transportation ~~UN-0336~~ UN0336, 1.4G,
2 1.4S or consumer fireworks". Such imprint shall be of sufficient size and so
3 positioned as to be readily recognized by law enforcement authorities and the general
4 public.

5 B. Permissible items of fireworks, enumerated in R.S. 51:651, may only be
6 sold at retail from noon June sixteenth through midnight July fifth and noon
7 December fifteenth through midnight January first of each calendar year only, except
8 that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other
9 devices in which paper caps containing twenty-five hundredths (25/100) grains or
10 less of explosive compounds are used, provided they are so constructed that the hand
11 cannot come in contact with the cap when in place for exploding, and toy paper
12 pistol caps which contain less than twenty-five hundredths (25/100) grains of
13 explosive compounds, and the sale and use of which shall be permitted at all times.

14 §655. Fireworks for public displays; permits; fee; adoption of rules and regulations

15 ~~A.(1) Nothing in this Part shall be construed as applying to the shipping,~~
16 ~~sale, possession, and use of fireworks for public displays by holders of a permit for~~
17 ~~a public display to be conducted in accordance with the rules and regulations~~
18 ~~promulgated by the state fire marshal. Fireworks which are to be used for public~~
19 ~~display only and which are otherwise prohibited for retail sale and use within the~~
20 ~~state shall include all items of fireworks designated by the regulations of the United~~
21 ~~States Department of Transportation as class "UN0335, 1.3G Display Fireworks"~~
22 ~~and shall consist of any items not enumerated and classified as permissible in R.S.~~
23 ~~51:651. Fireworks that are to be used for public display only must at all times be~~
24 ~~kept in the possession of those responsible and be stored in an appropriate storage~~
25 ~~in accordance with the regulations of the National Fire Protection Association,~~
26 ~~Pamphlet 44A, 1983, or any subsequent amended editions thereof that are adopted~~
27 ~~by the state fire marshal. Fireworks that are to be used for public display must be~~
28 ~~confined to that use only.~~

1 ~~(2) Purchase, storage, and transportation of fireworks used for public display~~
2 ~~shall be governed by R.S. 40:1472.1 et seq. Fireworks that are to be used for public~~
3 ~~display shall, from the time of issuance of a permit by the fire marshal and upon~~
4 ~~placement at the site of display, be appropriately stored in accordance with the~~
5 ~~National Fire Protection Association, Pamphlet 44A, as adopted by the state fire~~
6 ~~marshal.~~

7 ~~B.(1) A person, firm, corporation, or other legal entity desiring a permit for~~
8 ~~a public display may either apply to the office of state fire marshal or to a certified~~
9 ~~local authority certified under the provisions of R.S. 40:1563, which application shall~~
10 ~~be received by either the state fire marshal or the certified local authority at least five~~
11 ~~days prior to the event. The application shall contain the following information in~~
12 ~~the form of an affidavit sworn to and subscribed to before a notary public:~~

13 ~~(a) The date, time, and place of the public display including the length of~~
14 ~~time of the display.~~

15 ~~(b) All fire prevention plans and provisions that will be in force and all fire~~
16 ~~prevention personnel and equipment available to assure safety of the public attending~~
17 ~~the public display.~~

18 ~~(c) A copy of the permit issued by the office of state fire marshal to the~~
19 ~~distributor who will be supplying or conducting the public display to assure the state~~
20 ~~fire marshal or his certified local authority that the fireworks and the actual~~
21 ~~presentation and conduct of the public display will not endanger the public safety.~~

22 ~~(2) The fee for application for a permit for a public display shall be one~~
23 ~~hundred dollars and shall be used to offset the cost of processing the permit request~~
24 ~~and cover the expense of on-site inspections.~~

25 ~~C. No person, firm, or corporation supplying fireworks for public display~~
26 ~~shall ship, sell, possess, or use fireworks designed for public display unless the~~
27 ~~supplier has obtained a distributor's permit as provided in R.S. 51:656. No person,~~
28 ~~firm, or corporation holding a permit for a public display may obtain fireworks for~~

1 use in any public display from any person, firm, or corporation that has not obtained
2 a distributor's permit as provided in R.S. 51:656.

3 ~~D. The state fire marshal is authorized to adopt and promulgate rules and~~
4 ~~regulations in accordance with the Administrative Procedure Act to ensure that the~~
5 ~~supplier of the fireworks and the holder of a public display permit will adequately~~
6 ~~protect the public safety.~~

7 ~~E.(1) Applicants for a pyrotechnic operator license or pyrotechnic special~~
8 ~~effects operator license shall take a written examination and obtain a passing grade~~
9 ~~of at least seventy percent. Persons holding a valid blaster's license, as described in~~
10 ~~R.S. 40:1472.1 et seq., on September 30, 2003, may forego the written examination~~
11 ~~by the demonstration of practical tests or documentation deemed necessary by the~~
12 ~~state fire marshal to determine the applicant's knowledge and ability. The content,~~
13 ~~type, frequency, and location of the examinations shall be set by the state fire~~
14 ~~marshal.~~

15 ~~(2) Applicants who fail may refile and take a reexamination.~~

16 ~~(3) A licensee whose license has been expired for two years or more and~~
17 ~~makes application for a new license must retake and pass the written examination.~~

18 ~~(4) A license shall not be issued to any person if any of the following apply:~~

19 ~~(a) The applicant is a convicted felon.~~

20 ~~(b) The applicant fails to meet the requirements of Paragraph (1) of this~~
21 ~~Subsection.~~

22 ~~(c) The applicant has not assisted in conducting at least five permitted public~~
23 ~~displays and has not served as lead operator on at least one permitted public display~~
24 ~~in this state, under the direct supervision of and verified in writing by a pyrotechnic~~
25 ~~operator or pyrotechnic special effects operator licensed in Louisiana.~~

26 ~~(d) The applicant is under the age of twenty-one years.~~

27 ~~(5) A conviction or a plea of guilty or nolo contendere shall not constitute~~
28 ~~an automatic disqualification as otherwise required pursuant to Paragraph (4) of this~~
29 ~~Subsection, if more than ten years has elapsed between the date of application and~~

1 ~~the successful completion or service of any sentence, deferred adjudication, or period~~
2 ~~of probation or parole, or Code of Criminal Procedure Article 893 or equivalent~~
3 ~~judicial dismissal process granted.~~

4 ~~(6) The pocket license document issued along with the regular license~~
5 ~~document is for identification purposes only and must be carried by the licensee~~
6 ~~when engaged in the business.~~

7 ~~(7) The license shall be good for a period of one year from the date of issue.~~

8 ~~(8) The cost of the license shall be fifty dollars for a new license and twenty-~~
9 ~~five dollars for renewals.~~

10 §655. Public displays; proximate displays; Class C public displays; licenses;
11 permits; fees; adoption of rules and regulations

12 A. A person or firm shall not make a public display, as defined by this Part,
13 without obtaining a pyrotechnic operator's license properly issued by the office of
14 state fire marshal. The pyrotechnic operator is responsible for safely storing, setting
15 up, and removing pyrotechnic materials and devices after a display and in
16 accordance with manufacturer standards.

17 B. A person or firm shall not make a proximate display, as defined by this
18 Part, without obtaining a pyrotechnic special effects operator's license properly
19 issued by the office of state fire marshal.

20 C.(1) Applicants for a pyrotechnic operator's license or pyrotechnic special
21 effects operator's license shall make application to the office of state fire marshal,
22 take a written examination, and obtain a passing grade of at least seventy percent.
23 Persons holding a valid blaster's license, as described in R.S. 40:1472.1 et seq., on
24 or before September 30, 2003, may forego the written examination by the
25 demonstration of practical tests or documentation deemed necessary by the state fire
26 marshal to determine the applicant's knowledge and ability. The content, type,
27 frequency, and location of the examinations shall be set by the state fire marshal.

28 (2) Applicants who fail may reapply and take a reexamination.

1 (3) A licensee whose license has been expired for two years or more and who
2 makes application for a new license shall retake and pass the written examination to
3 receive a renewed license.

4 (4) A license shall not be issued to any person if any of the following apply:

5 (a) The applicant is a convicted felon.

6 (b) The applicant fails to meet the requirements of Paragraph (C)(1) of this
7 Subsection.

8 (c)(i) The pyrotechnic operator applicant has not assisted in conducting at
9 least five permitted public displays and has not served as lead operator on at least
10 one permitted public display in this state, under the direct supervision of and verified
11 in writing by a pyrotechnic operator licensed in Louisiana.

12 (ii) The pyrotechnic special effects operator applicant has not assisted in
13 conducting at least five permitted proximate displays and has not served as lead
14 operator on at least one permitted proximate display in this state, under the direct
15 supervision of and verified in writing by a pyrotechnic special effects operator
16 licensed in Louisiana.

17 (d) The applicant is under the age of twenty-one years.

18 (5) A conviction or a plea of guilty or nolo contendere does not constitute
19 an automatic disqualification, as otherwise provided in Paragraph (C)(4) of this
20 Subsection, if more than ten years have elapsed between the date of application and
21 the successful completion or service of any sentence, deferred adjudication, or period
22 of probation or parole, or Code of Criminal Procedure Article 893, or equivalent
23 judicial dismissal process granted.

24 (6) The pocket license document issued along with the regular license
25 document is for identification purposes only and shall be carried by the licensee
26 when engaged in the business.

27 (7) The license is valid for a period of one year from the date of issue.

28 (8) The cost of the license is fifty dollars for a new license and twenty-five
29 dollars for renewals.

1 D. A person or firm shall not make a Class C public display, as defined by
2 this Part, without obtaining a Class C pyrotechnic operator's license properly issued
3 by the office of state fire marshal.

4 (1) Applicants for a Class C pyrotechnic operator license shall receive
5 training and certification from the office of state fire marshal.

6 (2) A licensee whose license has been expired for three years or more and
7 who makes application for a new license shall receive training and recertification by
8 the office of state fire marshal.

9 (3) A license shall not be issued to any person if any of the following apply:

10 (a) The applicant fails to meet the requirements of Paragraph (D)(1) of this
11 Subsection.

12 (b) The applicant is under the age of twenty-one years.

13 (4) The pocket license document issued along with the regular license
14 document is for identification purposes only and shall be carried by the licensee
15 when engaged in the business.

16 (5) The license is valid for a period of one year from the date of issue.

17 (6) The cost of the license is twenty-five dollars for a new license and fifteen
18 dollars for renewals.

19 E.(1) A person or firm shall not make or perform a public display, proximate
20 display, or Class C public display, as defined in this Part, without first obtaining a
21 permit from the office of state fire marshal.

22 (2) A person or firm desiring a permit for a public display or proximate
23 display may either apply to the office of state fire marshal or to a certified local
24 authority certified under the provisions of R.S. 40:1563, which application shall be
25 received by either the state fire marshal or the certified local authority at least five
26 days prior to the event. The application shall contain all of the following
27 information:

28 (a) The date, time, and place of the public display or proximate display
29 including the length of time of the display.

1 (b) All fire prevention plans and provisions that will be in force and all fire
2 prevention personnel and equipment available to assure safety of the public attending
3 the display.

4 (c) A copy of the permit issued by the office of state fire marshal to the
5 distributor who will be supplying or conducting the public display or proximate
6 display to assure the state fire marshal or his certified local authority that the
7 fireworks and the actual presentation and conduct of the public display or proximate
8 display will not endanger the public safety.

9 (3) A public entity desiring a permit for a Class C public display may apply
10 to the office of state fire marshal, which application shall be received by the state fire
11 marshal at least five days prior to the event. The application shall contain the
12 following information:

13 (a) The date, time, and place of the Class C public display including the
14 length of time of the display.

15 (b) All plans and provisions that will be in force to assure safety of the public
16 attending the public display.

17 (c) A copy of the training certification issued by the office of state fire
18 marshal to the person or firm who will be conducting the Class C public display to
19 assure the state fire marshal that the fireworks and the actual presentation and
20 conduct of the Class C public display will not endanger the public safety.

21 (4) The fee for application for a permit for a public display or proximate
22 display is one hundred dollars and shall be used to offset the cost of processing the
23 permit request and cover the expense of on-site inspections. The fee for the
24 application for a permit for a Class C public display is twenty-five dollars and shall
25 be used to offset the cost of processing the permit request and any necessary on-site
26 inspections.

27 F. A person or firm supplying fireworks for public display or proximate
28 display shall not ship, sell, possess, or use fireworks designed for public display or
29 proximate display unless the supplier has obtained a distributor's permit as provided

1 in R.S. 51:656. No person or firm holding a permit for a public display or proximate
2 display may obtain fireworks for use in any public display or proximate display from
3 any person or firm that has not obtained a distributor's permit as provided in R.S.
4 51:656.

5 G. The state fire marshal is authorized to adopt and promulgate rules and
6 regulations in accordance with the Administrative Procedure Act to ensure that the
7 supplier of the fireworks and the holder of a public display, proximate display, or
8 Class C public display permit will adequately protect the public safety.

9 H.(1) Fireworks that are to be used for public display or proximate display
10 only shall at all times be kept in the possession of those responsible and be stored in
11 an appropriate storage in accordance with the regulations of NFPA 1124 as published
12 by the National Fire Protection Association, or any subsequent amended editions
13 thereof that are adopted by the state fire marshal. Fireworks that are to be used for
14 public display shall be confined to that use only.

15 (2) Purchase, storage, and transportation of fireworks used for public display
16 or proximate display are governed by R.S. 40:1472.1 et seq. Fireworks that are to
17 be used for public display or proximate display shall, from the time of issuance of
18 a permit by the fire marshal and upon placement at the site of display, be
19 appropriately stored in accordance with NFPA 1124 as published by the National
20 Fire Protection Association, or any subsequent amended editions thereof that are
21 adopted by the state fire marshal.

22 §656. Permit to sell fireworks; application; fees; permit numbers

23 A. It ~~shall be~~ is unlawful to sell, construct, or manufacture any items of
24 fireworks without first obtaining a retail permit therefor to be properly issued by the
25 state fire marshal.

26 B.(1) Prior to engaging in the sale of fireworks, an applicant shall submit to
27 the state fire marshal an application on a form provided by the state fire marshal, or
28 electronically through the IMS system, on or before ~~April~~ June first of each year
29 setting forth any facts and information as the state fire marshal may determine

1 necessary and proper considering the requirements of public health, safety, and
2 welfare. Prior to obtaining and in order to maintain a permit, the facilities of the
3 permittee shall comply with the applicable provisions of the Life Safety Code and
4 subsequent referenced standards as adopted by the state fire marshal ~~under the~~
5 ~~requirements~~ pursuant to the provisions of R.S. 40:1578.6.

6 (2) The retail permit ~~shall be~~ is effective for purchases of wholesale
7 fireworks, and ~~the permit shall be~~ such permit is effective from the date of issuance
8 through midnight December thirty-first of the applicable year. ~~No~~ A retailer's permit
9 shall not be issued pursuant to this Part from June sixteenth through July fifth nor
10 from December fifteenth through January first of each year. All other permits issued
11 pursuant to the provisions of this Section ~~shall be~~ are valid from the date issued
12 through midnight April first of the ensuing permit year. All applications filed after
13 April first ~~shall~~ will be assessed a late fee equal to the amount of the permit required
14 by this Section.

15 C.(1) The applicant shall pay a permit fee for each type of business
16 conducted and for each location at which the business is conducted, according to the
17 following schedule:

18	* * *	
19	(f) Retailer	<u>\$100.00</u>
20	Resident	\$100.00
21	Nonresident	\$800.00
22	* * *	

23 E. It ~~shall be~~ is unlawful for a jobber or retailer who holds a permit issued
24 ~~under~~ pursuant to the provisions of this Part to purchase fireworks from a distributor
25 domiciled outside the state of Louisiana unless that distributor can show proof that
26 he holds a valid permit issued ~~under~~ as provided in this Part to perform the functions
27 of a distributor and importer. If the distributor does not hold a valid permit, ~~then~~
28 the jobber or retailer ~~shall become~~ is then liable for the permit and shall immediately
29 purchase a permit from the office of state fire marshal.

1 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
2 arrange in alphabetical order and renumber the definitions provided in R.S. 51:650.

3 Section 4. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 532 Original

2018 Regular Session

Mack

Abstract: Regulates with respect to fireworks and pyrotechnics, including regulations for licenses, permits, and fees.

Present law provides certain definitions.

Present law defines "public display". Proposed law modifies the present law definition.

Present law defines "resident". Proposed law deletes the present law definition.

Proposed law adds and defines the following terms: "1.3G Fireworks", "1.4G Fireworks", "air luminary", "articles pyrotechnic", "Class C Public Display", "consumer fireworks", "display fireworks", "fire prevention officer", "firework" and "pyrotechnic", "firm", "illegal fireworks", "IMS system", "proximate display", "license", "licensee", "novelty", "office", "person", "public entity", and "pyrotechnic operator".

Proposed law prohibits persons in this state from selling, offering for sale, distributing, possessing, igniting, or otherwise using aerial luminaries, commonly known as sky lanterns, Hawaii lanterns, Knogming Lanterns, Chinese lanterns, sky candles, fire balloons, or flying luminaries. Authorizes the fire marshal and authorized police or peace officers to seize such aerial luminaries as contraband. Provides for seized contraband to be held in custody of the sheriff in the parish where such contraband was seized.

Proposed law authorizes an aggrieved party to file an appeal to the district court in the parish where the contraband was seized. Authorizes the district court to return part or all of the confiscated contraband; otherwise, the court is required to have the contraband destroyed.

Present law provides certain penalties for violations of present law.

Proposed law adds to present law that each violation of present and proposed law constitutes a separate offense.

Present law provides that "fireworks" does not include toy pistols, toy canes, toy guns, or other devices that do not contain certain amounts of explosive compounds.

Proposed law deletes present law.

Proposed law prohibits a person or firm from making a public display without obtaining a pyrotechnic operator's license issued by the office of state fire marshal. Provides the pyrotechnic operator is responsible for safely storing, setting up, and removing pyrotechnic materials and devices after a display and in accordance with manufacturer standards.

Proposed law prohibits a person or firm from making a proximate display without obtaining a pyrotechnic special effects operator's license from the office of state fire marshal.

Proposed law requires applicants for a pyrotechnic operator's license or pyrotechnic special effects operator's license to make application to the office of state fire marshal. Requires the taking and passage of a written examination. Requires a passing grade of at least 70%.

Proposed law provides that persons holding a valid blaster's license, as defined in present law, on or before Sept. 30, 2003, may forego the written examination by demonstration of practical tests or documentation deemed necessary by the fire marshal to determine the applicant's knowledge and ability.

Proposed law requires the content, type, frequency, and location of examinations to be set by the fire marshal. Provides the following with respect to those seeking licensure:

- (1) Applicants who fail may reapply and take a reexamination.
- (2) Requires a licensee whose license has been expired for 2 years or more and who makes application for a new license to retake and pass the written examination to receive a renewed license.

Proposed law provides a license will not be issued to any person if any of the following apply:

- (1) The applicant is a convicted felon.
- (2) The applicant fails to meet the requirements of proposed law.
- (3) The applicant for pyrotechnic operator licensure has not assisted in conducting at least 5 permitted public displays and has not served as lead operator on at least 1 permitted public display in the state of La. under the direct supervision of and verified in writing by a pyrotechnic operator licensed in this state.
- (4) The applicant for pyrotechnic special effects operator licensure has not assisted in conducting at least 5 permitted proximate displays and has not served as lead operator on at least 1 permitted proximate display in the state of La. under the direct supervision of and verified in writing by a pyrotechnic special effects operator in this state.
- (5) The applicant is less than 21 years old.

Proposed law provides that a conviction or a plea of guilty or nolo contendere does not constitute an automatic disqualification if more than 10 years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole, or Code of Criminal Procedure or other judicial dismissal.

Proposed law provides the pocket license document issued along with the regular license document is for identification purposes only. Requires the licensee to carry it when engaged in the business.

Proposed law provides that a license is valid for a period of 1 year from the date of issue.

Proposed law provides the cost of a new license is \$50.00 and \$25.00 for renewals.

Proposed law prohibits a person or firm from making a Class C public display without obtaining a Class C pyrotechnic operator's license from the office of state fire marshal. Requires applicants for a Class C pyrotechnic operator license to receive training and certification from the office of state fire marshal.

Proposed law requires a licensee whose license has been expired for 3 years or more and who makes application for a new license to receive training and recertification by the office of state fire marshal.

Proposed law provides a license will not be issued to any person if any of the following apply:

- (1) The applicant fails to meet the requirements of proposed law.
- (2) The applicant is less than 21 years old.

Proposed law provides the cost of a new license is \$25.00 and \$15.00 for renewals.

Proposed law prohibits a person or firm from making or performing a public display, proximate display, or Class C public display without first obtaining a permit from the office of state fire marshal. Authorizes a person or firm desiring a permit to either apply to the office of state fire marshal or to a certified local authority. Requires the application to be received by either the fire marshal or the certified local authority at least 5 days prior to the event.

Proposed law requires the application to contain the following information:

- (1) The date, time, and place of the public display or proximate display including the length of time of the display.
- (2) All fire prevention plans and provisions that will be in force and all fire prevention personnel and equipment available to assure safety of the public attending the display.
- (3) A copy of the permit issued by the office of state fire marshal to the distributor who will be supplying or conducting the public display or proximate display to assure the state fire marshal or his certified local authority that the fireworks, actual presentation, and conduct of the public display or proximate display will not endanger the public safety.

Proposed law provides for a public entity desiring a permit for a Class C public display to apply to the office of state fire marshal. Requires the application to be received by the state fire marshal at least 5 days prior to the event. Provides for the application to contain all of the following information:

- (1) The date, time, and place of the Class C public display including the length of time of the display.
- (2) All plans and provisions that will be in force to assure safety of the public attending the public display.
- (3) A copy of the training certification issued by the office of state fire marshal to the person or firm who will be conducting the Class C public display to assure certain information relative to the public safety.

Proposed law provides an application fee for a permit for a public display or proximate display. Provides the fee is \$100.00. Requires the fee to be used to offset the cost of processing the permit request and the expense of onsite inspections.

Proposed law provides the application fee for a permit for a Class C public display is \$25.00. Requires the fee to be used to offset the cost of processing the permit request and any necessary onsite inspections.

Proposed law prohibits a person or firm supplying fireworks for public display or proximate display from shipping, selling, possessing, or using fireworks designed for public display or proximate display unless the supplier has obtained a distributor's permit.

Proposed law prohibits a person or firm holding a permit for a public or proximate display from obtaining fireworks for use in any public or proximate display from any person or firm that has not obtained a distributor's permit.

Proposed law authorizes the state fire marshal to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to ensure that the supplier of the fireworks and the holder of a public display, proximate display, or Class C public display permit will adequately protect the public safety.

Proposed law requires fireworks to be used for public or proximate display only to at all times be kept in the possession of those responsible and be appropriately stored in accordance with certain law of the National Fire Protection Association.

Proposed law provides regulations regarding the purchase, storage, and transportation of fireworks used for public display or proximate display are governed by certain provisions in present law. Requires fireworks to be used for public or proximate display to be appropriately stored and displayed in accordance with certain law of the National Fire Protection Association.

Proposed law authorizes applicants for the sale of fireworks to apply electronically through the IMS system as defined in proposed law.

Present law provides certain dates for the sale of fireworks. Proposed law modifies such dates for when fireworks may be sold.

Present law authorizes a retailer permit. Provides a fee of \$100.00 for residents and \$800.00 for nonresidents.

Proposed law deletes the resident and nonresident designations and fees in present law. Adds the permit fee is \$100.00 for all applicants.

(Amends R.S. 51:650(intro. para.), (10), and (13), 651.1(D), 652(A) and (B), 655, and 656(A)-(C)(1), (f), and (E); Adds R.S. 51:650(14)-(31) and 651.1(E)-(G))