

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), (B), (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 promulgation and adoption 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), (B), (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 (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 fifty milligrams (50
4 mg) or less of flash powder, and aerial devices containing one hundred thirty
5 milligrams (130 mg) or less of flash powder. The DOT classifies consumer
6 fireworks in 49 CFR 172.101 as UN0336 and UN0337.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (31) "Pyrotechnic operator" means a person licensed through the office of
2 state fire marshal who, by experience, training, and examination, has demonstrated
3 the necessary skill and ability for safely assembling, discharging, and supervising
4 public displays of Fireworks 1.3G or 1.4G.

5 * * *

6 §651.1. Possession, sale, or use of certain fireworks prohibited; penalties

7 * * *

8 D. It is unlawful for a person in this state to sell, offer for sale, distribute,
9 possess, ignite, or otherwise use aerial luminaries, commonly known as sky lanterns,
10 Hawaii lanterns, Kongming lanterns, Chinese lanterns, sky candles, fire balloons, or
11 flying luminaries.

12 E. The state fire marshal, his deputies, or any authorized police or peace
13 officer of this state shall seize as contraband any illegal fireworks or aerial
14 luminaries as defined in this Part. Fireworks or aerial luminaries seized in the
15 enforcement of this Part shall be held in custody of the sheriff in the parish where
16 such fireworks or aerial luminaries were seized.

17 F. The party surrendering the fireworks or aerial luminaries, if aggrieved by
18 the action, may file an appeal in writing to the district court in the parish where the
19 fireworks or aerial luminaries were seized. Upon hearing the appeal, the district
20 court may authorize the return of part or all of the confiscated fireworks or aerial
21 luminaries; otherwise, the court shall authorize and direct that such contraband
22 fireworks or aerial luminaries be destroyed.

23 G. Whoever violates this Section shall, upon conviction, be fined not more
24 than one thousand dollars or imprisoned, with or without hard labor, for not more
25 than two years, or both. Each violation of this Section constitutes a separate offense.

26 §652. Proper naming; certification on shipping cases; time for selling; exceptions;
27 sale and storage in homes prohibited

28 A. No permissible articles of consumer fireworks enumerated in R.S. 51:651
29 shall be sold, offered for sale, or used in the state of Louisiana, unless ~~it shall be~~ such

1 fireworks are properly named to conform to the nomenclature of R.S. 51:651 and
2 ~~unless it is~~ certified on all shipping cases and by imprinting on the article or retail
3 container "United States Department of Transportation ~~UN-0336~~ UN0336, 1.4G,
4 1.4S₂ or consumer fireworks". Such imprint shall be of sufficient size and so
5 positioned as to be readily recognized by law enforcement authorities and the general
6 public.

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

16 * * *

17 §655. ~~Fireworks for public displays; permits; fee; Public displays; proximate~~
18 ~~displays; Class C public displays; licenses; permits; fees; adoption of rules~~
19 and regulations

20 ~~A.(1) Nothing in this Part shall be construed as applying to the shipping,~~
21 ~~sale, possession, and use of fireworks for public displays by holders of a permit for~~
22 ~~a public display to be conducted in accordance with the rules and regulations~~
23 ~~promulgated by the state fire marshal. Fireworks which are to be used for public~~
24 ~~display only and which are otherwise prohibited for retail sale and use within the~~
25 ~~state shall include all items of fireworks designated by the regulations of the United~~
26 ~~States Department of Transportation as class "UNO335, 1.3G Display Fireworks"~~
27 ~~and shall consist of any items not enumerated and classified as permissible in R.S.~~
28 ~~51:651. Fireworks that are to be used for public display only must at all times be~~
29 ~~kept in the possession of those responsible and be stored in an appropriate storage~~

1 ~~in accordance with the regulations of the National Fire Protection Association,~~
2 ~~Pamphlet 44A, 1983, or any subsequent amended editions thereof that are adopted~~
3 ~~by the state fire marshal. Fireworks that are to be used for public display must be~~
4 ~~confined to that use only.~~

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

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

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

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

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

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

1 ~~C. No person, firm, or corporation supplying fireworks for public display~~
2 ~~shall ship, sell, possess, or use fireworks designed for public display unless the~~
3 ~~supplier has obtained a distributor's permit as provided in R.S. 51:656. No person,~~
4 ~~firm, or corporation holding a permit for a public display may obtain fireworks for~~
5 ~~use in any public display from any person, firm, or corporation that has not obtained~~
6 ~~a distributor's permit as provided in R.S. 51:656.~~

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

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

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

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

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

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

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

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

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

2 ~~(5) A conviction or a plea of guilty or nolo contendere shall not constitute~~
3 ~~an automatic disqualification as otherwise required pursuant to Paragraph (4) of this~~
4 ~~Subsection, if more than ten years has elapsed between the date of application and~~
5 ~~the successful completion or service of any sentence, deferred adjudication, or period~~
6 ~~of probation or parole, or Code of Criminal Procedure Article 893 or equivalent~~
7 ~~judicial dismissal process granted.~~

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

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

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

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

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

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

1 type, frequency, and location of the examinations shall be set by the state fire
2 marshal.

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

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

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

8 (a) The applicant is a convicted felon.

9 (b) The applicant fails to meet the requirements of Paragraph (1) of this
10 Subsection.

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

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

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

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

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

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

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

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

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

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

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

13 (a) The applicant fails to meet the requirements of Paragraph (1) of this
14 Subsection.

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

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

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

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

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

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

1 days prior to the event. The application shall contain all of the following
2 information:

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

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

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

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

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

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

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

25 (4) The fee for application for a permit for a public display or proximate
26 display is one hundred dollars and shall be used to offset the cost of processing the
27 permit request and cover the expense of onsite inspections. The fee for the
28 application for a permit for a Class C public display is twenty-five dollars and shall

1 be used to offset the cost of processing the permit request and any necessary onsite
2 inspections.

3 F. A person or firm supplying fireworks for public display or proximate
4 display shall not ship, sell, possess, or use fireworks designed for public display or
5 proximate display unless the supplier has obtained a distributor's permit as provided
6 in R.S. 51:656. No person or firm holding a permit for a public display or proximate
7 display may obtain fireworks for use in any public display or proximate display from
8 any person or firm that has not obtained a distributor's permit as provided in R.S.
9 51:656.

10 G. The state fire marshal may promulgate and adopt rules and regulations in
11 accordance with the Administrative Procedure Act to ensure that the supplier of the
12 fireworks and the holder of a public display, proximate display, or Class C public
13 display permit will adequately protect the public safety.

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

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

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

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

5 B.(1) Prior to engaging in the sale of fireworks, an applicant shall submit to
6 the state fire marshal an application on a form provided by the state fire marshal, or
7 electronically through the IMS system, on or before ~~April~~ June first of each year
8 setting forth any facts and information as the state fire marshal may determine
9 necessary and proper considering the requirements of public health, safety, and
10 welfare. Prior to obtaining and in order to maintain a permit, the facilities of the
11 permittee shall comply with the applicable provisions of the Life Safety Code and
12 subsequent referenced standards as adopted by the state fire marshal ~~under the~~
13 requirements pursuant to the provisions of R.S. 40:1578.6.

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

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

26 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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 law 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 two 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 five permitted public displays and has not served as lead operator on at least one 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 five permitted proximate displays and has not served as lead operator on at least one 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 and \$25 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 three 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 and \$15 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. 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. 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 for residents and \$800 for nonresidents.

Proposed law deletes the resident and nonresident designations and fees in present law. Adds the permit fee is \$100 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.