

**ADOPTED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R077-15

Effective December 30, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 477.030; §2, NRS 477.030 and 477.033; §§3-6, NRS 477.030 and 477.031.

A REGULATION relating to fire protection; revising the requirements for certificates of registration and licenses issued by the State Fire Marshal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing regulations provide that a person who is licensed by the State Fire Marshal must apply for an original license if the person's license has expired and the person desires to continue in the business for which the expired license was issued. (NAC 477.310) Existing regulations also provide that if a fee is not paid by a licensee by the time the fee is due, a late charge will be assessed. (NAC 477.310, 477.641) **Section 1** of this regulation eliminates the requirement of an application for an original license for expired licenses but retains the provision providing for the assessment of a late fee.

Sections 2-6 of this regulation remove the requirement to submit a notarized application to obtain certain licenses and certificates of registration issued by the State Fire Marshal. Specifically: (1) **section 2** revises the requirements for a license for producing commercial displays of fireworks; (2) **section 3** revises the requirements for a certificate of registration as a magician; (3) **section 4** revises the requirements for a certificate of registration as a pyrotechnic operator; (4) **section 5** revises the requirements for a certificate of registration as a flame effects operator; and (5) **section 6** revises the requirements for the renewal of a certificate of registration as a flame effects operator or flame effects assistant.

Section 1. NAC 477.310 is hereby amended to read as follows:

477.310 1. Except as otherwise provided in this chapter and chapter 477 of NRS, all original licenses and certificates of registration expire on December 31 of the year in which they are issued.

2. Application for renewal must be made annually. The application must be ~~notarized and~~ accompanied by the appropriate fee. Renewals are valid from January 1 through December 31.

3. If an application and the appropriate fee for renewal of a license or certificate of registration is not received by the State Fire Marshal on or before the date specified for renewal, then the firm or registrant holding the license or certificate of registration shall cease to perform those services authorized by the license or certificate of registration.

4. If a certificate of registration has expired and the registrant desires to continue to perform the acts requiring a certificate of registration, the registrant must apply to the State Fire Marshal for an original certificate of registration and pay the full fee for certification. The State Fire Marshal may require the applicant to be retested.

5. ~~If a license has expired and the licensee desires to continue in the business for which the expired license was issued, the licensee must apply to the State Fire Marshal for an original license.~~

~~—6.1~~ Any change of information on the license or certificate of registration must be reported to the State Fire Marshal in writing within 7 days after the change. A new license or certificate of registration will be issued upon notification and payment of the prescribed fee.

~~17.1~~ 6. Initial fees for a new license must be paid in full unless the fees are paid in the final quarter of the licensing year. Initial fees which are paid in the final quarter will be reduced by 50 percent.

~~18.1~~ 7. If a fee for a licensed firm is not paid by the time it is due, a late charge of 12 percent per month will be assessed as an administrative fee for processing. The charge will be assessed beginning at the end of the first business day after the fee is due. A licensed firm may not engage in any work authorized by this chapter or chapter 477 of NRS until the fee is paid.

Sec. 2. NAC 477.611 is hereby amended to read as follows:

477.611 An applicant for a license for producing commercial displays of fireworks must:

1. Make a written application on the forms provided.
2. Indicate on the application which category of license and classification the applicant

desires to obtain and pay the appropriate inspection and issuance fee, as follows:

General category:

Indoor stage	\$110
Natural gas	110
Outdoor aerial.....	110
Propane.....	110
Solid fuels	110
Special effects	110
Show specific	110

Limited event license (exempt).....no fee

License category:

Permanent (pulling permits to install system).....	\$110
Temporary (self-contained effects for not more than 30 days).....	110
Special effects	110

3. Furnish the State Fire Marshal Division with the required certificate of insurance.

4. ~~{Sign a notarized}~~ *Submit an* application as follows:

- (a) If the applicant is a sole proprietorship, by the proprietor.
- (b) If the applicant is a partnership, by each partner.
- (c) If the applicant is a corporation, by an officer.

5. Cooperate with the State Fire Marshal in the investigation of the applicant's application.

Sec. 3. NAC 477.620 is hereby amended to read as follows:

477.620 1. Before a person may act as a magician, the person must obtain a certificate of registration as a magician from the State Fire Marshal. To receive a certificate of registration as a magician, a person must:

- (a) Be a natural person who is at least 21 years of age;
- (b) Make ~~{a written notarized}~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal; and
- (c) Pay an initial fee of \$27.50.

2. A holder of a certificate of registration as a magician may handle and discharge flash paper, flash cotton, flash string, and solid and powder smoke composition that is either in solid or powdered form. The areas made hazardous by these devices must be within the immediate reach of the magician to whom the certificate of registration is issued, not to exceed a distance of 12 feet.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 4. NAC 477.624 is hereby amended to read as follows:

477.624 1. Before a person may act as a pyrotechnic operator, the person must obtain a certificate of registration as a pyrotechnic operator from the State Fire Marshal. To receive a certificate of registration as a pyrotechnic operator, an applicant must:

- (a) Be a natural person who is at least 21 years of age;
- (b) Make ~~a written notarized~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal and pay a fee of \$55;
- (c) Hold a certificate of registration as an assistant pyrotechnic operator issued by the State Fire Marshal, or be licensed or certified in good standing as a pyrotechnic operator by another state, as approved by the State Fire Marshal;
- (d) If the applicant holds a certificate of registration as an assistant pyrotechnic operator, pass, with a score of at least 75 percent, a final examination that covers the design, construction, storage and use of fireworks; and
- (e) Submit to the State Fire Marshal:
 - (1) A log which demonstrates that the applicant has worked on at least 15 different shows during the 3 years immediately preceding the date on which he or she applies for the certificate of registration as a pyrotechnic operator;
 - (2) Letters of endorsement from two persons who hold certificates of registration as a pyrotechnic operator issued by the State Fire Marshal; and
 - (3) A letter from the company which employs the applicant stating that the applicant has worked for the company for at least 90 days or is licensed or certified as a pyrotechnic operator in good standing by another state recognized by the State Fire Marshal.

2. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 5. NAC 477.633 is hereby amended to read as follows:

477.633 1. Before a person may act as a flame effects operator to provide flame effects before an audience, the person must obtain a certificate of registration as a flame effects operator from the State Fire Marshal.

2. An applicant for a certificate of registration as a flame effects operator must:

- (a) Be a natural person who is at least 21 years of age;
- (b) Make ~~a written notarized~~ *an* application for such a certificate of registration to the State Fire Marshal on a form provided by the State Fire Marshal, including the applicable fee;
- (c) Indicate on the application the classification for which the applicant is applying, such as natural gas, propane or solids, and include the appropriate fee for that category;
- (d) Hold a certificate of registration as a flame effects assistant issued by the State Fire Marshal or be licensed or certified in good standing as a flame effects operator by another state recognized by the State Fire Marshal; and
- (e) Submit to the State Fire Marshal a certificate of completion or other such documentation that demonstrates that the applicant has successfully completed a course approved by the State Fire Marshal that pertains to the classification of certification, such as natural gas, propane or solids, sought by the applicant.

3. A certificate of registration is valid on May 1 or the date on which it is issued, whichever is later. If the holder of a certificate of registration does not submit the renewal application and pay the renewal fee on or before April 30 of the following year, the certificate of registration expires and the person must apply to the State Fire Marshal for an original certificate of registration.

Sec. 6. NAC 477.635 is hereby amended to read as follows:

477.635 A certificate of registration as a flame effects operator or flame effects assistant must be renewed annually. An applicant for the renewal of a certificate of registration as a flame effects operator or flame effects assistant, as appropriate, must submit to the State Fire Marshal:

1. ~~A written notarized~~ *An* application for the renewal of the certificate of registration and the applicable fee; and

2. A log which indicates the number of events or performances which the applicant had during the previous 12 months, including, without limitation, events or performances located outside Nevada. To get a certificate of registration renewed, the applicant must, for each classification sought to be renewed, have logged the following number of events or performances during the previous 12 months:

Events using propane	At least two performances
Events using natural gas.....	At least two performances
Events using solid fuel	At least one performance

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066**

LCB FILE R077-15

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 477.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations to comply with existing statutory requirements. Nevada Revised Statute (NRS) sections 477.032 and 477.033 requires the State Fire Marshal to adopt regulations to license firms and for the certification of individuals in certain fire protection related activities. The State Fire Marshal shall prescribe the form to be used for those to apply for a license or a certificate of registration per NRS 477.033(2).

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the licensing and certification of the fire protection industry as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Fire Marshal Division (NSFM), [http://fire.nv.gov/Boards/Board FS/](http://fire.nv.gov/Boards/Board_FS/), mailed to all county libraries in Nevada and posted at the following locations:

Board of Architecture Interior Design and Residential Design, 2080 E. Flamingo Rd., #120, Las Vegas, NV 89119

Board of Professional Engineers and Land Surveyors, 1755 East Plumb Lane, Reno, NV 89502

Carson City Fire Department, 777 South Stewart Street, Carson City, NV 89701

Central Lyon County Fire Department, 231 Corral Drive, Dayton, NV 89403

Clark County Fire Department, 575 East Flamingo Road, Las Vegas, NV 89119

Clark County Fire Department Training Center, 4425 West Tropicana Avenue, Las Vegas, NV 89103

Department of Public Safety, 500 Wright Way, Carson City, NV

East Fork Fire & Paramedic District, 1694 County Road, Minden, NV 89423

Elko Fire Department, 911 West Idaho Street, Elko, NV 89801

Ely Fire Department, 1780 Great Basin Blvd., Ely, NV 89301

Henderson Fire Department, 223 Lead Street, #141, Henderson, NV 89826

Las Vegas Fire and Rescue, 500 North Casino Center Blvd., Las Vegas, NV 89101

Nevada State Library, 100 South Stewart Street, Carson City, NV

Reno Fire Department, 1 East First Street, Reno, NV 89501

Sparks Fire Department, 1605 Victorian Avenue, Sparks, NV 89431

State Fire Marshal Division, 107 Jacobsen Way, Carson City, NV

State Fire Marshal Division, 215 E. Bonanza, Las Vegas, NV

State Fire Marshal Division, 3920 E. Idaho Street, Elko, NV

A public workshop was held on October 9, 2015, and the minutes of that workshop are attached hereto. There was one public comment received regarding the draft regulation during the public

workshop. Mr. Ryan Wilkins of FirePro, Las Vegas, a representative of a fire protection contractor and a small business as defined by state law, supported the proposed change to the regulation. Thereafter, on or about October 29, 2015, the State Fire Marshal issued a Notice of Intent to Act Upon a Regulation.

A public hearing was held on December 17, 2015, and the minutes of that hearing are attached hereto. At that hearing Mr. Doug Sartain, President of Certified Fire Protection, Las Vegas, and a small business as defined by state law, supported the changes proposed and further remarked that he supported the removal of the notary requirement as he considered it cumbersome.

Fire Marshal Eric Guevin of the Tahoe-Douglas Fire Protection District also spoke in favor of the proposed changes and indicated that other industry and local government fire officials were supportive of the proposed changes.

A copy of this summary of the public response to the proposed regulation may be obtained from the State Fire Marshal Division, 107 Jacobsen Way, Carson City, Nevada 89701, 775-684-7525, or email to gbarrett@dps.state.nv.us.

3. The number persons who:

(a) Attended each hearing: October 9, 2015 – 5; December 17, 2015: 5

(b) Testified at each hearing: October 9, 2015 – 1; December 17, 2015: 2

(c) Submitted to the agency written comments: No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency:

Attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. In addition, a mailing was made to all fire protection license holders of record with the Division with notice of the public workshop. The summary may be obtained as instructed in the response to question #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on December 17, 2015. No changes were suggested during either the public workshop or the public hearing, no opposition to the regulation was offered.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects:

Adverse effect: No adverse effects are anticipated as no new requirements or restrictions are proposed by the regulation.

Beneficial effect: Removal of the requirement to submit written, notarized application forms will save the new applicant and renewing license or certificate holder time and costs to obtain a notary seal.

(b) Both immediate and long-term effects:

Immediate effect: The revised application and renewal process will become effective immediately upon approval of this regulation.

Long-term effect: An application process that utilizes a streamlined business process.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulations are known to overlap or duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not establish a fee. No existing fees are increased or decreased.

Exhibits will be available with the regulations filed with the Secretary of State