

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB File No. R077-15

September 29, 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.

~~{7.1}~~ 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.

~~{8.1}~~ 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 ~~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