

**PROPOSED REGULATION OF THE
STATE FIRE MARSHAL**

LCB FILE NO. R183-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/25/2022**

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Proposed Changes to NAC 477

There are two aspects to NAC 477 that these proposed changes will focus on. One, is the addition of a section to fireworks that adds a minimum age for wholesale and retail purchase and a tracking tool for wholesale and retail purchases as well. The other focuses on a fee increase to plan review and inspections it also makes clear the verbiage to inspection fees, re-inspections fees and plan resubmittal fees:

NAC 477.667 is an addition to the fireworks section of the NAC to establish a minimum age of 18 to purchase fireworks classified as 1.3G, 1.4G or 1.4S. A valid identification will be required. It also establishes a verification and records keeping procedure in which the retailer or wholesaler will obtain and keep a record of the purchaser's identification as well as a detailed invoice for 3 years and used primarily as a tracking tool.

NAC 477.667 Sale of Fireworks.

- 1. The retail or wholesale purchase of fireworks classified as Division 1.3G, Division 1.4G or Division 1.4S by 18 U.S.C. §§ 841 et seq. and N.F.P.A. Standard 1124, 2016 may only be conducted by a person who has reached the age of 18. A valid identification will be presented upon purchase.*
- 2. Upon verification of proper age for purchase, retailers and wholesalers will obtain of copy of identification presented as well as an invoice detailing each item purchased. These copies will be maintained by the seller for a minimum of 3 years and be made available to the Nevada State Fire Marshal upon request.*

Concerning fees, we are proposing a 20% increase to plan review and inspection fees as well as solidifying the verbiage to re-inspection and re-submittal fees. This increase is long past due as there has not been an increase in over 20 years. The increase is solely for cost of service and is not intended as an increase for profit.

NAC 477.287 Variance from requirements. (NRS 477.030) The State Fire Marshal may address, by variance, any requirement of the codes or standards adopted by him or her. The variance must provide an alternate method for satisfying the requirement that is being addressed by the variance. *All requests for a variance from a code*

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• Records, Communications and Compliance • Office of Cyber Defense Coordination • Emergency Response Commission

requirement or standard shall only be prepared and submitted by a Nevada licensed design professional. All submittals prepared by a professional engineer or licensed architect shall be wet stamped and signed with a minimum of two copies submitted to the office of the State Fire Marshal along with applicable fees. Base fee is \$132 per hour or every fraction thereof.

NAC 477.287 Variance from requirements of codes and standards; requirement for use of equivalent means and method. (NRS 477.030) The State Fire Marshal may address, by variance, any requirement of the codes or standards adopted by him or her. The variance must provide an alternate means and method for satisfying the requirement that is being addressed by the variance. The State Fire Marshal will evaluate the alternate means and method used to ensure that the means and method are at least equivalent with regard to quality, strength, effectiveness, fire resistance, durability and safety as the applicable provisions of NAC and the codes and standards adopted by the State Fire Marshal. *. All requests for a variance from a code requirement or standard shall only be prepared and submitted by a Nevada licensed design professional. All submittals prepared by a professional engineer or licensed architect shall be wet stamped and signed with a minimum of two copies submitted to the office of the State Fire Marshal along with applicable fees. Base fee is \$132 per hour or every fraction thereof.*

NAC 477.325 Fees; exemptions; effect of certificate; refunds

4. The following fees are established for the administrative and regulatory services of the State Fire Marshal Division:

(a) All copy service will be at the rate of 50 cents for each page.

(b) Fees for investigative services are as follows:

(1) For expert testimony rendered by the Division in a civil proceeding, the fee of \$110 for each hour of testimony or research will be charged.

(2) The actual costs for an investigation must be paid by the person investigated if the person is found guilty.

(3) Investigative and hearing costs must be paid by the person investigated, if the hearing officer finds in favor of the State Fire Marshal.

(c) The fee for the issuance of a license or certificate of compliance is ~~\$22~~. *The fee for the issuance of a license or certificate of compliance is assessed by zip code as follows:*

CERTIFICATE OF COMPLIANCE REVISED FEES AS OF OCTOBER 2021

NAC 477.325 Fees

All fees are listed by zip code for the physical address of the facility and must be paid prior to inspection.

88901	\$280.20	89032	\$180.20	89104	\$180.20	89137	\$180.20
88905	\$180.20	89033	\$180.20	89105	\$180.20	89138	\$180.20
89001	\$294.20	89034	\$294.20	89106	\$180.20	89139	\$180.20
89002	\$180.20	89036	\$180.20	89107	\$180.20	89140	\$180.20
89003	\$294.20	89037	\$294.20	89108	\$180.20	89141	\$180.20
89004	\$180.20	89039	\$237.20	89109	\$180.20	89142	\$180.20
89005	\$237.20	89040	\$237.20	89110	\$180.20	89143	\$180.20
89006	\$237.20	89041	\$237.20	89111	\$180.20	89144	\$180.20
89007	\$294.20	89042	\$294.20	89112	\$180.20	89145	\$180.20
89008	\$294.20	89043	\$294.20	89113	\$180.20	89146	\$180.20
89009	\$180.20	89044	\$180.20	89114	\$180.20	89147	\$180.20
89010	\$294.20	89045	\$294.20	89115	\$180.20	89148	\$180.20
89011	\$180.20	89046	\$237.20	89116	\$180.20	89149	\$180.20
89012	\$180.20	89047	\$294.20	89117	\$180.20	89150	\$180.20
89013	\$294.20	89048	\$237.20	89118	\$180.20	89151	\$180.20
89014	\$180.20	89049	\$294.20	89119	\$180.20	89152	\$180.20
89015	\$180.20	89052	\$180.20	89120	\$180.20	89153	\$180.20
89016	\$180.20	89053	\$180.20	89121	\$180.20	89154	\$180.20
89017	\$294.20	89054	\$180.20	89122	\$180.20	89155	\$180.20
89018	\$237.20	89060	\$237.20	89123	\$180.20	89156	\$180.20
89019	\$180.20	89061	\$180.20	89124	\$180.20	89157	\$180.20
89020	\$237.20	89067	\$294.20	89125	\$180.20	89158	\$180.20
89021	\$294.20	89070	\$237.20	89126	\$180.20	89159	\$180.20
89022	\$294.20	89074	\$180.20	89127	\$180.20	89160	\$180.20
89023	\$237.20	89077	\$180.20	89128	\$180.20	89161	\$180.20
89024	\$237.20	89081	\$180.20	89129	\$180.20	89162	\$180.20
89025	\$237.20	89084	\$180.20	89130	\$180.20	89163	\$180.20
89026	\$180.20	89085	\$180.20	89131	\$180.20	89164	\$180.20
89027	\$294.20	89086	\$180.20	89132	\$180.20	89165	\$180.20
89028	\$294.20	89087	\$180.20	89133	\$180.20	89166	\$180.20
89029	\$294.20	89101	\$180.20	89134	\$180.20	89169	\$180.20
89030	\$180.20	89102	\$180.20	89135	\$180.20	89170	\$180.20
89031	\$180.20	89103	\$180.20	89136	\$180.20	89173	\$180.20

State Fire Marshal will issue a certificate of compliance:

- (1) Annually for a licensed facility; or
- (2) For a facility that is not licensed, annually after an inspection and the removal of deficiencies, if any.

CERTIFICATE OF COMPLIANCE REVISED FEES AS OF OCTOBER 2021

NAC 477.325 Fees

All fees are listed by zip code for the physical address of the facility and must be paid prior to inspection.

89177	\$180.20	89414	\$237.20	89448	\$180.20	89701	\$180.20
89178	\$180.20	89415	\$294.20	89449	\$180.20	89702	\$180.20
89179	\$180.20	89418	\$294.20	89450	\$180.20	89703	\$180.20
89180	\$180.20	89419	\$351.20	89451	\$180.20	89704	\$180.20
89183	\$180.20	89420	\$237.20	89452	\$180.20	89705	\$180.20
89185	\$180.20	89421	\$351.20	89460	\$180.20	89706	\$180.20
89191	\$180.20	89422	\$294.20	89496	\$237.20	89711	\$180.20
89193	\$180.20	89423	\$180.20	89501	\$237.20	89712	\$180.20
89195	\$180.20	89424	\$237.20	89502	\$180.20	89713	\$180.20
89199	\$180.20	89425	\$351.20	89503	\$237.20	89714	\$180.20
89301	\$351.20	89426	\$351.20	89504	\$237.20	89721	\$180.20
89310	\$294.20	89427	\$237.20	89505	\$237.20	89801	\$237.20
89311	\$237.20	89428	\$180.20	89506	\$237.20	89802	\$237.20
89314	\$351.20	89429	\$237.20	89507	\$237.20	89803	\$237.20
89315	\$351.20	89430	\$237.20	89508	\$237.20	89815	\$237.20
89316	\$237.20	89431	\$237.20	89509	\$180.20	89820	\$237.20
89317	\$237.20	89432	\$237.20	89510	\$237.20	89821	\$180.20
89318	\$351.20	89433	\$237.20	89511	\$180.20	89822	\$180.20
89319	\$351.20	89434	\$237.20	89512	\$237.20	89823	\$294.20
89402	\$180.20	89435	\$237.20	89513	\$237.20	89824	\$180.20
89403	\$180.20	89436	\$237.20	89515	\$237.20	89825	\$351.20
89404	\$351.20	89437	\$180.20	89519	\$180.20	89826	\$351.20
89405	\$294.20	89438	\$237.20	89520	\$237.20	89828	\$237.20
89406	\$294.20	89439	\$237.20	89521	\$180.20	89830	\$351.20
89407	\$237.20	89440	\$180.20	89523	\$237.20	89831	\$294.20
89408	\$237.20	89441	\$237.20	89533	\$237.20	89832	\$294.20
89409	\$237.20	89442	\$237.20	89555	\$237.20	89833	\$237.20
89410	\$180.20	89444	\$237.20	89557	\$237.20	89834	\$237.20
89411	\$180.20	89445	\$351.20	89570	\$237.20	89835	\$294.20
89412	\$294.20	89446	\$294.20	89595	\$237.20	89883	\$351.20
89413	\$180.20	89447	\$237.20	89599	\$237.20		

State Fire Marshal will issue a certificate of compliance:

- (1) Annually for a licensed facility; or
- (2) For a facility that is not licensed, annually after an inspection and the removal of deficiencies, if any.

(d) The State Fire Marshal ~~may~~ *shall* charge a fee for ~~any other inspection services.~~ *Inspections associated with State Fire Marshal issued construction and submitted plans for review.* The rate for this fee is ~~\$38.50~~ *\$46.20* per hour or any fraction thereof. ~~The first inspection may be conducted at no charge. A fee for subsequent reinspections will be charged for the actual cost of travel, salaries and administrative expenses in addition to the inspection fee.~~ *. Subsequent re-inspections or multiple inspections at the same address under the same permit will be charged for the actual cost of travel, administrative fees and salaries in addition to the inspection fee. Also, inspections requiring overnight stay will be assessed per diem and lodging expenses as well. All inspection fees will be paid prior to scheduling an inspection.*

(f) The fee for witnessing any test for acceptance is ~~\$22~~ *\$27* for each test requiring a separate fee for certification.

Valuation	Fee
\$1-4,000.....	\$73.1 <i>\$87.78</i>
4,001-5,000.....	78.98 <i>94.78</i>
5,001-6,000.....	86.02 <i>103.22</i>
6,001-7,000.....	93.06 <i>111.67</i>
7,001-8,000.....	100.10 <i>120.12</i>
8,001-9,000.....	107.14 <i>128.57</i>
9,001-10,000.....	114.13 <i>136.96</i>
10,001-11,000.....	121.11 <i>145.33</i>
11,001-12,000.....	128.15 <i>153.78</i>
12,001-13,000.....	135.19 <i>162.23</i>
13,001-14,000.....	142.23 <i>170.68</i>
14,001-15,000.....	149.27 <i>179.12</i>
15,001-16,000.....	156.20 <i>187.44</i>
16,001-17,000.....	163.24 <i>195.89</i>
17,001-18,000.....	170.28 <i>204.34</i>
18,001-19,000.....	176.22 <i>211.46</i>
19,001-20,000.....	184.36 <i>221.23</i>
20,001-21,000.....	191.40 <i>229.68</i>
21,001-22,000.....	198.44 <i>238.13</i>
22,001-23,000.....	205.37 <i>246.44</i>
23,001-24,000.....	212.41 <i>254.89</i>
24,001-25,000.....	219.45 <i>263.34</i>
25,001-26,000.....	224.51 <i>269.41</i>
26,001-27,000.....	229.57 <i>275.48</i>
27,001-28,000.....	234.52 <i>281.42</i>
28,001-29,000.....	239.58 <i>287.50</i>
29,001-30,000.....	243.98 <i>292.78</i>
30,001-31,000.....	249.70 <i>299.64</i>

Valuation	Fee
31,001-32,000.....	254.65 305.58
32,001-33,000.....	259.71 311.65
33,001-34,000.....	264.77 317.72
34,001-35,000.....	269.83 323.80
35,001-36,000.....	274.78 329.74
36,001-37,000.....	279.84 335.81
37,001-38,000.....	284.90 341.88
38,001-39,000.....	289.96 347.95
39,001-40,000.....	294.91 353.89
40,001-41,000.....	299.97 359.96
41,001-42,000.....	305.03 366.04
42,001-43,000.....	310.09 372.11
43,001-44,000.....	315.04 378.05
44,001-45,000.....	320.10 384.12
45,001-46,000.....	325.16 390.19
46,001-47,000.....	330.22 396.26
47,001-48,000.....	335.17 402.20
48,001-49,000.....	340.23 404.28
49,001-50,000.....	345.29 414.35
50,001-51,000.....	348.81 418.57
51,001-52,000.....	352.33 422.80
52,001-53,000.....	355.85 427.02
53,001-54,000.....	359.37 431.24
54,001-55,000.....	362.78 435.34
55,001-56,000.....	366.30 439.56
56,001-57,000.....	369.82 443.78
57,001-58,000.....	373.34 448.01
58,001-59,000.....	376.86 452.23
59,001-60,000.....	380.38 456.46
60,001-61,000.....	383.90 460.68
61,001-62,000.....	387.42 464.90
62,001-63,000.....	390.94 469.13
63,001-64,000.....	394.46 473.35
64,001-65,000.....	397.98 477.58
65,001-66,000.....	401.50 481.80
66,001-67,000.....	404.91 485.89
67,001-68,000.....	408.43 490.12
68,001-69,000.....	411.95 494.34
69,001-70,000.....	415.47 498.56
70,001-71,000.....	422.51 507.01
71,001-72,000.....	426.03 511.24
72,001-73,000.....	429.55 515.46
73,001-74,000.....	433.07 519.68
74,001-75,000.....	436.59 523.91
75,001-76,000.....	440.11 528.13
76,001-77,000.....	443.63 532.36

Valuation	Fee
77,001-78,000.....	447.15 536.58
78,001-79,000.....	450.56 540.67
79,001-80,000.....	457.60 549.12
80,001-81,000.....	461.12 553.34
81,001-82,000.....	466.84 560.21
82,001-83,000.....	468.16 561.79
83,001-84,000.....	471.68 566.02
84,001-85,000.....	475.20 570.24
85,001-86,000.....	478.72 574.46
86,001-87,000.....	482.24 578.69
87,001-88,000.....	485.76 582.91
88,001-89,000.....	489.28 587.14
89,001-90,000.....	492.80 591.36
90,001-91,000.....	496.21 595.45
91,001-92,000.....	499.73 599.68
92,001-93,000.....	503.25 603.90
93,001-94,000.....	506.77 608.12
94,001-95,000.....	510.29 612.35
95,001-96,000.....	513.81 616.57
96,001-97,000.....	517.33 620.80
97,001-98,000.....	520.85 625.02
98,001-99,000.....	524.37 629.24
99,001-100,000.....	527.89 633.47

2. If the proposed cost or bid is more than \$100,000 but less than \$500,000, the fee is ~~\$531.41~~ ~~\$633.47~~ for the first \$100,000 plus ~~\$2.69~~ ~~3.22~~ for each additional \$1,000 or fraction thereof of the proposed cost or bid.

3. If the proposed cost or bid is \$500,000 or more but less than \$1,000,000, the fee is ~~\$1,609.41~~ ~~\$1,931~~ for the first \$500,000 plus ~~\$2.37~~ ~~\$2.84~~ for each additional \$1,000 or fraction thereof of the proposed cost or bid.

4. If the proposed cost or bid is \$1,000,000 or more, the fee is ~~\$2,780.91~~ ~~\$3,337.10~~ for the first \$1,000,000 plus \$1.65 for each additional \$1,000 or fraction thereof of the proposed cost or bid.

5. If a conference is required for any given project, a fee will be charged at the rate of ~~\$55~~ ~~per \$55~~ ~~\$66~~ per hour or any fraction thereof, for each person from the State Fire Marshal's Office required to attend the conference.

6. If an agreement is reached by a local government and the State Fire Marshal whereby the process for review of the plans is delegated to the local authority, the local authority may use the schedule of fees set forth in this section or a schedule of fees which has been approved by the local authority.

7. If a review of plans by a local government waives or grants a variance of a minimum standard established by the State Fire Marshal or otherwise requires review by the State Fire Marshal, the local government shall require the plans to be submitted to the State Fire Marshal for review. The State Fire Marshal will charge the person on whose behalf the plans are submitted a fee of ~~\$55~~ ~~per \$55~~ ~~\$66~~ hour for each person who participates in the review. The State Fire Marshal will notify the local government of his or her approval or disapproval of the plans upon completion of his or her