

March 26, 2009

S 992. AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGE. Filed 3/25/09. *TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE.*

Amends GS 51-1 as title indicates.

Intro. by Davis.

GS 51

June 9, 2010

S 992. PYROTECHNICS OPERATOR'S LICENSE (NEW) . Filed 3/25/09. House committee substitute deletes all provisions of 1st edition and replaces with *AN ACT TO AMEND AND CLARIFY THE PYROTECHNICS TRAINING AND PERMITTING ACT.*

Amends GS 58-82A-1 to clarify that the Commissioner of Insurance through the Office of the State Fire Marshal must establish guidelines and requirements for (1) individuals assisting a display operator engaged in pyrotechnics and (2) individuals seeking to obtain a display operator license, proximate display operator license, assistant display operator license, or temporary license (was, permit) under the Article.

Enacts several new sections in Article 82A (Pyrotechnics Training and Permitting) of GS Chapter 58, concerning powers of the Commissioner of Insurance, pyrotechnics licenses, applicable fees, and associated disciplinary procedures. Enacts GS 58-82A-1A, to define the terms *assistant display operator*, *event employee*, *outdoor pyrotechnics display*, *pyrotechnics*, *pyrotechnics display operator*, *proximate audience display*, *proximate audience display operator*, and *supervision*, as applied in the Article. Enacts GS 58-82A-1B, authorizing the Commissioner of Insurance (Commissioner) to administer the Article establishing guidelines for the use, handling, exhibition, or discharge of pyrotechnics in connection with a concert or public exhibition, and to license and regulate pyrotechnic operators. Requires all courts of the state to accept, as prima facie evidence of the contents thereof, any written instrument purporting to be a copy of any action or any record of the Commissioner.

Licenses. Enacts GS 58-82A-2A, prohibiting any person from obtaining a pyrotechnics permit under Article 54 (concerning the sale of pyrotechnics) of GS Chapter 14 without the appropriate license. Requires an applicant to use the Commissioner's forms when applying for a license. Directs the Commissioner to issue an identification card to a licensee upon the issuance of a license, and details additional identification card conditions. Enacts GS 58-82A-2B, authorizing a licensed pyrotechnics display operator, proximate audience display operator, or assistant display operator to act in that capacity until the license is suspended, revoked, or not renewed. Allows these licenses to be renewed every three years from the date of issuance upon renewal fee payment. Enacts GS 58-82A-4, specifying the requirements to receive a proximate audience display operator license. Enacts GS 58-82A-5, specifying the requirements to receive an assistant display operator license. Enacts GS 58-82A-6, charging a \$100 license fee, paid to the Commissioner upon each application, for a pyrotechnics display operator license and for a proximate audience display operator license. Requires a \$30 fee for an assistant display operator license. Amends GS 58-82A-3 (display operator permit) substituting *license* for references to a *permit*. Further amends the section to authorize the Commissioner (was, State Fire Marshal) to issue a display operator license to an individual if, among other requirements, (1) the individual has acted as an operator (was, assisted) on at least three occasions; (2) the individual achieves a score of at least 75% on the requisite examination (was, successfully passes); and (3) the individual has no violations of any provision of the Article or any similar provision and submits an "Employer Possessor Letter of Clearance" from the Bureau of Alcohol, Tobacco and Firearms or, absent the letter, signs a statement from the Commissioner affirming that the individual has not been convicted of violating 18 U.S.C. Chapter 40 Section 842(i) (pertaining to crimes involving explosive materials). Makes additional technical and conforming changes.

Enacts GS 58-82A-7, allowing the Commissioner or the applicable fire code official to certify an individual as an event employee if specified requirements are met.

Administrative Issues. Enacts GS 58-82A-8 to require each applicant for a license as a pyrotechnic display operator, a proximate audience display operator, or assistant display operator to take a written examination, and to pay a \$10 examination fee. Enacts GS 58-82A-9, requiring

the Commissioner to verify designated conditions before renewing an application, and listing renewal fees. Enacts GS 58-82A-10, stating that although separate fees are required for each license, an individual holding multiple licenses under the Article will be deemed to hold one license for disciplinary purposes. Enacts GS 58-82A-11, allowing the Commissioner to grant reciprocity to current license holders, provided certain conditions are met. Enacts GS 58-82A-12, authorizing the Commissioner to deny, suspend, revoke, or refuse renewal for any license under the Article for any of the nine designated reasons. Enacts GS 58-82A-13 to allow a disciplinary action taken under the Article to be contested pursuant to Article 3A of the Administrative Procedure Act, and provides procedural requirements for notice and review. Makes conforming change to GS 14-410(a1) (addressing the sale, use, and manufacture of pyrotechnics).

Appropriates \$160,000 on a recurring basis from the General Fund to the Office of the State Fire Marshal for the administration and enforcement of the Article. Directs the amount to be repaid from the Insurance Regulatory Surcharge Fund.

Authorizes the Commissioner to issue a temporary display operator license, notwithstanding Article 82A, and provided certain requirements are met. Charges a \$25 temporary license fee.

June 15, 2010

S 992. PYROTECHNICS OPERATOR'S LICENSE. Filed 3/25/09. House committee substitute makes the following changes to 2nd edition.

Amends GS 58-82A-1 (effective February 1, 2010) to delete a *temporary license* as one of the categories of pyrotechnics safety licenses for which the Commissioner of Insurance (Commissioner) through the Office of State Fire Marshall must establish guidelines, testing and training requirements.

Amends proposed GS 58-82A-2B to clarify that a pyrotechnics display operator's license, a proximate audience display operator's license, and an assistant display operator's license is valid for three years unless the license is suspended or revoked.

Amends GS 58-82A-3 to permit the Commissioner to issue a display operator license to (1) an individual who has assisted (was, acted as an operator) on at least three occasions, a display operator as an assistant display operator in the exhibition, use, or display of pyrotechnics at a concert or public exhibition as allowed under Article 54 of GS Chapter 14 or (2) to an individual who is a proximate audience display operator. Amends requirements for issuance of a display operator license to require that an individual successfully pass an examination approved by the State Fire Marshall (was, achieves a score of at least 75%) that meets the specified criteria.

Amends GS 58-82A-4 to require that an individual receive a proximate audience display operator license, issued by the Commissioner, in order for the individual to obtain the necessary authorization under Article 54 of GS Chapter 14 to exhibit, use, handle, manufacture, or discharge pyrotechnics at a concert or public exhibition with a proximate audience display of pyrotechnics in this state. Amends proposed GS 58-82A-4 and GS 58-82A-5 to provide consistency in the requirements for a proximate audience display operator license and an assistant display operator license with regards to obtaining an "Employee Letter of Clearance" from the Bureau of Alcohol, Tobacco and Firearms, and requiring that a licensee has not violated any provision of Article 82A of GS Chapter 58 or similar provisions in other states.

Amends proposed GS 58-82A-7 to provide that employees for pyrotechnic events must provide written confirmation from the licensed display operator or proximate audience display operator that the employee is working under the supervision of the operator and will not handle the pyrotechnic materials.

Amends proposed GS 58-82A-11 to permit the Commissioner to issue a license (was, a display operator license) to an individual who has a comparable valid (was, valid) permit, license, or certification issued by another state with minimal requirements that are equal to the minimum requirements under Article 82 for the specific license to be issued and providing that individual pays the required application fee.

Amends proposed GS 58-82A-12 to provide that the disciplinary provisions that allow for denying, suspending, revoking, or refusing to renew a license apply to proximate audience display operators, and assistant display operators, as well as licensed display operators.

Amends GS 14-410(a) to clarify that persons who exhibit, use, handle, or discharge pyrotechnics in connection with a concert or a public exhibition must have completed the training and licensing required under Article 82A of GS Chapter 58 (was training required under GS 58-82A-2). Additionally clarifies that the display operator or proximate audience display operator, as required under Article 82A of GS Chapter 58, must be present at the event and directly supervise the use and display of all pyrotechnics.

Deletes the \$160,000 recurring appropriation from the General Fund to the Office of State Fire Marshal for the administration and enforcement of Article 82A.

Adds new section, prohibiting the Rules Review Commission from disapproving any rule adopted by the Commissioner that requires successful passage of an examination under this act.

Provides that the guidelines for the issuance of a temporary display operator's license and the directive to the Rules Review Commission become effective when the bill becomes law. Except as otherwise indicated, the remainder of the act is effective October 1, 2010.

June 17, 2010

S 992. PYROTECHNICS OPERATOR'S LICENSE. Filed 3/25/09. House committee substitute makes the following changes to 3rd edition. Effective July 1, 2010, enacts new GS 58-87-7 to allow the Office of the State Fire Marshal and other Department of Insurance employees to conduct on-site examinations of fire, rescue, and EMS equipment and supplies purchased with funds from the Volunteer Fire Department Fund or the Volunteer Rescue/EMS Fund. Provides for what may be included in the examination and requires the documentation of what equipment and supplies were purchased by the volunteer fire department or volunteer rescue/EMS department and whether those items were received by the department and visually examined by the on-site examiner. Requires the Office of State Fire Marshal to keep records of on-site inspections and provide them to the State Auditor or the Office of State Budget and Management. Makes technical changes. Makes conforming changes to the title.

June 22, 2010

S 992. PYROTECHNICS OPERATOR'S LICENSE. Filed 3/25/09. House amendment makes the following changes to 4th edition. Makes technical changes only.

June 28, 2010

SL 2010-22 (S 992). PYROTECHNICS OPERATOR'S LICENSE. AN ACT TO AMEND AND CLARIFY THE PYROTECHNICS TRAINING AND PERMITTING ACT. Summarized in *Daily Bulletin* 6/9/10, 6/15/10, 6/17/10, and 6/22/10. Enacted June 25, 2010. Sections 9, 10, and 12 are effective June 25, 2010. Section 11 is effective July 1, 2010. The remainder is effective October 1, 2010.