

Senate Bill 213

By: Senators Seabaugh of the 28th, Bowen of the 13th, Mullis of the 53rd, Seay of the 34th and Tolleson of the 18th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to
2 fireworks, so as to require licensure by the Safety Fire Commissioner of any person
3 conducting a pyrotechnics display before a proximate audience; to define certain terms; to
4 provide requirements for licensure; to require a permit for a fireworks display before a
5 proximate audience; to provide for a license fee; to provide for penalties; to provide for other
6 matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and
7 for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 10 of Title 25 of the Official Code of Georgia Annotated, relating to fireworks, is
11 amended by striking in its entirety Code Section 25-10-1, relating to definitions, and
12 inserting in lieu thereof the following:

13 "25-10-1.

14 As used in this chapter, the term:

15 (1) 'fireworks' 'Fireworks' means any combustible or explosive composition or any
16 substance or combination of substances or article prepared for the purpose of producing
17 a visible or audible effect by combustion, explosion, deflagration, or detonation,
18 including blank cartridges, balloons requiring fire underneath to propel them,
19 firecrackers, torpedos, skyrockets, Roman candles, bombs, sparklers, and other
20 combustibles and explosives of like construction, as well as articles containing any
21 explosive or flammable compound and tablets and other devices containing an explosive
22 substance. The term 'fireworks' shall not include model rockets and model rocket engines,
23 designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol
24 paper caps in which the explosive content does not average more than 0.25 grains of
25 explosive mixture per paper cap nor toy pistols, toy cannons, toy canes, toy guns, or other

1 devices using such paper caps; nor shall the term 'fireworks' include ammunition
2 consumed by weapons used for sporting and hunting purposes.

3 (2) 'Proximate audience' means an audience closer to pyrotechnic devices than permitted
4 by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*,
5 as adopted by the Safety Fire Commissioner.

6 (3) 'Pyrotechnics' means fireworks."

7 SECTION 2.

8 Said chapter is further amended by inserting immediately following Code Section 25-10-3.1
9 a new Code Section 25-10-3.2 to read as follows:

10 "25-10-3.2.

11 (a) No person, firm, corporation, association, or partnership shall cause the combustion,
12 explosion, deflagration, or detonation of pyrotechnics for the purpose of a public exhibition
13 or display before a proximate audience unless such person, firm, corporation, association,
14 or partnership holds a valid license issued by the Safety Fire Commissioner in accordance
15 with the provisions of this Code section. Any application for such a license shall be made
16 to the Safety Fire Commissioner in the form prescribed by the Safety Fire Commissioner.

17 (b) All applicants must meet the following requirements for licensure:

18 (1) The applicant shall submit to the Safety Fire Commissioner proof of a valid
19 comprehensive liability insurance policy purchased from an insurer authorized to do
20 business in Georgia. The coverage must include bodily injury and property damage,
21 products liability, completed operations, and contractual liability. The proof of insurance
22 must also be provided before any license can be renewed. The minimum amount of said
23 coverage shall be \$1 million or such other amount as specified by the Safety Fire
24 Commissioner. An insurer that provided such coverage shall notify the Safety Fire
25 Commissioner of any change in coverage;

26 (2) The applicant shall pay the required licensing fee as prescribed in Code Section
27 25-10-5; and

28 (3) The applicant shall comply with all rules and regulations promulgated by the Safety
29 Fire Commissioner pursuant to this chapter.

30 (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to
31 conduct pyrotechnic displays."

32 SECTION 3.

33 Said chapter is further amended by striking Code Section 25-10-4, relating to the requirement
34 of a permit for conduct of a fireworks display, and inserting in lieu thereof the following:

1 "25-10-4.

2 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public
3 exhibition or display of fireworks not before a proximate audience shall first obtain a
4 permit from the judge of the probate court of the county in which the public exhibition or
5 display is to be held. Application for a permit must be made in writing and filed with the
6 judge not less than ten days prior to the date of the proposed public exhibition or display
7 of fireworks. Fireworks distributors located outside this state shall obtain display permit
8 application forms and provide the same to applicants upon request. The judge may grant
9 a permit for the display on the following conditions:

10 (1) That the display be conducted by a competent operator approved by the judge;

11 (2) That the display shall be of such character as in the opinion of the judge will not be
12 hazardous to persons or property; ~~and~~

13 (3) That the local fire official responsible for the area in question certifies in writing that
14 the site for the display meets his or her approval and is in compliance with all applicable
15 codes; and

16 ~~(3)~~(4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
17 payable to the county in which the display is being held and conditioned for the payment
18 of damages which may be caused either to persons or to property by reason of the display
19 or, alternatively, that the application be accompanied by evidence that the applicant
20 carries proper liability insurance for bodily injury in the amount of not less than
21 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
22 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
23 with an insurance company duly licensed by the Commissioner of Insurance.

24 (b) Any person, firm, corporation, association, or partnership desiring to conduct a public
25 exhibition or display of fireworks before a proximate audience shall first obtain a permit
26 from the judge of the probate court of the county in which the public exhibition or display
27 is to be held. Application for a permit must be made in writing and filed with the judge not
28 less than ten days prior to the date of the proposed public exhibition or display of
29 fireworks. Such application must contain the license number issued by the Safety Fire
30 Commissioner for the person, firm, corporation, association, or partnership that will cause
31 the combustion, explosion, deflagration, or detonation of pyrotechnics at the public
32 exhibition or display. Fireworks distributors located outside this state shall obtain display
33 permit application forms and provide the same to applicants upon request. The judge may
34 grant a permit for the display on the following conditions:

35 (1) That the display be conducted by a competent operator approved by the judge;

36 (2) That the display shall be of such character as in the opinion of the judge will not be
37 hazardous to persons or property;

1 (3) That the local fire official responsible for the area in question certifies in writing that
 2 the site for the display meets his or her approval and is in compliance with all applicable
 3 codes; and

4 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
 5 payable to the county in which the display is being held and conditioned for the payment
 6 of damages that may be caused either to persons or to property by reason of the display
 7 or, alternatively, that the application be accompanied by evidence that the applicant
 8 carries property liability insurance for bodily injury in the amount of not less than
 9 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
 10 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
 11 with an insurance company duly licensed by the Commissioner of Insurance.

12 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be
 13 granted unless the applicant has met all the requirements of and is in full compliance with
 14 the rules and regulations promulgated by the Safety Fire Commissioner pursuant to this
 15 chapter.

16 ~~(b)~~(d) The permit provided for in subsection (a) or (b) of this Code section shall be limited
 17 to the time specified therein, such time not to exceed a two-week period. The permit shall
 18 not be transferable. In the event any fireworks bought and possessed under this Code
 19 section are not used by the licensee or in the event that there is a surplus or excess after the
 20 two-week period expires, it shall be the duty of the licensee to return such fireworks to a
 21 facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations
 22 promulgated by the Safety Fire Commissioner. Fireworks stored in accordance with Code
 23 Section 25-10-3.1 and regulations shall not be deemed contraband and shall not be subject
 24 to seizure.

25 ~~(c)~~(e) The judge of the probate court shall receive \$10.00 for his or her services in granting
 26 or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.
 27 The judge of the probate court shall provide the Safety Fire Commissioner a copy of each
 28 permit granted prior to the proposed date of the public exhibition or display."

29 SECTION 4.

30 Said chapter is further amended by striking Code Section 25-10-5, relating to the license fee
 31 for manufacture, storage, and transportation of fireworks, and inserting in lieu thereof the
 32 following:

33 "25-10-5.

34 The annual license fee for any person, firm, or corporation conducting business in this state
 35 under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code Section
 36 25-10-3.1 or conducting pyrotechnic displays under Code Section 25-10-3.2 shall be

1 \$1,000.00 per year, payable to the Safety Fire Commissioner. The license shall expire on
 2 December 31 of each year. The Safety Fire Commissioner is authorized and directed to
 3 promulgate safety regulations relating to the manufacture, storage, and transportation of
 4 fireworks within this state in order to ensure the adequate protection of the employees of
 5 any such person, firm, or corporation and of the general public. The Safety Fire
 6 Commissioner is also authorized and directed to promulgate safety regulations relating to
 7 the public exhibition or display of pyrotechnics and the licensing requirements of those
 8 conducting such public exhibitions or displays, as he or she deems necessary. The Safety
 9 Fire Commissioner is further authorized and directed to conduct periodic inspections of the
 10 facilities of any person, firm, or corporation manufacturing, storing, and transporting
 11 fireworks as provided in paragraph (4) of Code Section 25-10-3 or as provided in Code
 12 Section 25-10-3.1 in order to ensure compliance with fire safety rules and regulations."

13 **SECTION 5.**

14 Said chapter is further amended by striking Code Section 25-10-8, relating to penalties, and
 15 inserting in lieu thereof the following:

16 "25-10-8.

17 (a) Any person, firm, corporation, association, or partnership that violates Code Section
 18 25-10-3.2 shall be guilty of a felony and shall be punished by imprisonment for not less
 19 than two nor more than ten years, or by a fine of not more than \$10,000.00, or both.

20 (b) Any person, firm, corporation, association, or partnership ~~who or which~~ that violates
 21 any other provision of this chapter shall be guilty of a misdemeanor."

22 **SECTION 6.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
 24 without such approval.

25 **SECTION 7.**

26 All laws and parts of laws in conflict with this Act are repealed.