

The House Committee on Public Safety & Homeland Security offers the following substitute to SB 186:

A BILL TO BE ENTITLED  
AN ACT

1 To enact the "Consolidation of Fire Safety Services in Georgia Act"; to establish the  
2 Department of Fire Safety; to provide for legislative intent; to amend Titles 8, 10, 16, and 43  
3 of the Official Code of Georgia Annotated, relating to buildings and housing, commerce and  
4 trade, crimes and offenses, and professions and businesses, respectively, so as to transfer  
5 certain functions and duties from the Safety Fire Commissioner to the Department of Fire  
6 Safety; to amend Title 25 of the Official Code of Georgia Annotated, relating to fire  
7 protection and safety, so as to establish the position of commissioner of the Department of  
8 Fire Safety; to consolidate primary state fire protection and safety services within a single  
9 agency; to improve the efficiency of the delivery of fire safety services; to transfer certain  
10 functions from the Commissioner of Insurance to the Department of Fire Safety; to modify  
11 provisions of the Official Code of Georgia Annotated, so as to provide for consistency in  
12 changing certain names and designations and to conform such provisions; to provide for  
13 related matters; to provide an effective date; to repeal conflicting laws; and for other  
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Consolidation of Fire Safety Services in  
18 Georgia Act."

19 **SECTION 2.**

20 It is the intent of the General Assembly, by this Act, to provide for more efficient fire safety  
21 services for the citizens of Georgia by consolidating such services into a single department  
22 and thereby provide greater quality services at a reduced cost.

23 **SECTION 3.**

24 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is  
 25 amended by revising Part 2 of Article 2 of Chapter 2, relating to manufactured homes, as  
 26 follows:

27 "Part 2

28 8-2-130.

29 This part shall be known and may be cited as 'The Uniform Standards Code for  
 30 Manufactured Homes Act.'

31 8-2-131.

32 As used in this part, the term:

33 (1) 'Commissioner' means the ~~Georgia Safety Fire~~ Commissioner of the Department of  
 34 Fire Safety.

35 (2) 'Installer' means a person responsible for performing an installation and who is  
 36 required to obtain a license pursuant to the provisions of Code Section 8-2-160.

37 (3) 'Lending institutions' means lenders that acquire manufactured or mobile homes  
 38 incident to their regular business, including national and state chartered banks, federal  
 39 and state chartered credit unions, lenders that are licensed under Article 13 of Chapter 1  
 40 of Title 7, and lenders that are involved in manufactured or mobile home chattel lending.

41 (4) 'Manufactured home' means a structure, transportable in one or more sections, which,  
 42 in the traveling mode, is eight body feet or more in width or 40 body feet or more in  
 43 length or, when erected on site, is 320 or more square feet and which is built on a  
 44 permanent chassis and designed to be used as a dwelling with or without a permanent  
 45 foundation when connected to the required utilities and includes the plumbing, heating,  
 46 air-conditioning, and electrical systems contained therein; except that such term shall  
 47 include any structure which meets all the requirements of this paragraph except the size  
 48 requirements and with respect to which the manufacturer voluntarily files a certification  
 49 required by the secretary of housing and urban development and complies with the  
 50 standards established under the National Manufactured Housing Construction and Safety  
 51 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

52 (5) 'Manufacturer' means any person who constructs or assembles manufactured homes.

53 (6) 'Mobile home' means a structure, transportable in one or more sections, which, in the  
 54 traveling mode, is eight body feet or more in width or 40 body feet or more in length or,  
 55 when erected on site, is 320 or more square feet and which is built on a permanent chassis  
 56 and designed to be used as a dwelling with or without a permanent foundation when

57 connected to the required utilities and includes the plumbing, heating, air-conditioning,  
58 and electrical systems contained therein and manufactured prior to June 15, 1976.

59 (7) 'Person' means an individual, corporation, partnership, association, or any other legal  
60 entity but shall not include a trust or the state or any political subdivision thereof.

61 (8) 'Retail broker' means any person engaged in the business of selling or offering for  
62 sale to consumers three or more new or used manufactured or mobile homes in a 12  
63 month period and who does not maintain a display of manufactured or mobile homes.  
64 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase  
65 transactions, and the term 'retail broker' does not include lending institutions.

66 (9) 'Retailer' means any person engaged in the business of selling or offering for sale to  
67 consumers three or more new or used manufactured or mobile homes in a 12 month  
68 period and who maintains a display of manufactured or mobile homes. As used in this  
69 paragraph, the terms 'selling' and 'sale' include lease-purchase transactions, and the term  
70 'retailer' does not include lending institutions.

71 8-2-132.

72 (a) The ~~Commissioner~~ commissioner is authorized and empowered to contract or enter into  
73 cooperative agreements with any agency, department, or instrumentality of the United  
74 States; any agency, board, department, or commission of the state; any county,  
75 municipality, or local government of the state, or any combination of same; any public or  
76 private corporation or firm, or any persons whatsoever; or any public authority, agency,  
77 commission, or institution to participate in the enforcement of manufactured home  
78 construction and safety standards which may be promulgated pursuant to the National  
79 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
80 Section 5401, et seq.; provided, however, that the ~~Commissioner~~ commissioner shall notify  
81 the United States Department of Housing and Urban Development by July 1 of his or her  
82 intention to terminate any such contract or agreement, which termination shall become  
83 effective on July 1 of the following year.

84 (b) It is the policy of this state and purpose of this part to forbid the manufacture and sale  
85 of new manufactured homes which are not constructed in accordance with the National  
86 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
87 Section 5401, et seq.

88 (c) The ~~Commissioner~~ commissioner is authorized and empowered to issue and  
89 promulgate all rules and procedures which in his or her judgment are necessary and  
90 desirable to make effective the construction standards established by the National  
91 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
92 5401, et seq.

93 8-2-133.

94 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
95 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, the  
96 ~~Commissioner~~ commissioner may make, amend, alter, and repeal general rules and  
97 regulations of procedure to carry into effect this part, to obtain statistical data concerning  
98 manufactured homes, and to prescribe means, methods, and practices to make this part  
99 effective. The ~~Commissioner~~ commissioner may also make such investigations and  
100 inspections as in his or her judgment are necessary to enforce and administer this part.

101 8-2-134.

102 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
103 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, no  
104 person may manufacture, sell, or offer for sale any manufactured home unless such  
105 manufactured home and its components, systems, and appliances have been constructed  
106 and assembled in accordance with rules issued by the ~~Commissioner~~ commissioner with  
107 respect to the construction, assembly, and sale of such manufactured homes and unless  
108 compliance with such rules is shown in the manner required by the ~~Commissioner's~~  
109 commissioner's rules.

110 8-2-135.

111 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
112 cooperative agreements pursuant to his or her authority under Code Section 8-2-132:

113 (1) Every manufacturer who manufactures manufactured homes outside the State of  
114 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for  
115 and obtain a license;

116 (2) Every manufacturer who manufactures manufactured homes in Georgia shall apply  
117 for and obtain a license;

118 (3) Every retailer and retail broker who sells or offers for sale new or used manufactured  
119 homes or mobile homes in Georgia shall apply for and obtain a license;

120 (4) Applications for licenses and renewal licenses shall be obtained from the  
121 ~~Commissioner~~ commissioner and submitted on or before January 1 of each year. All  
122 applicants shall certify in the application that all construction, electrical, heating, and  
123 plumbing standards will be complied with as set forth in this part and in the rules and  
124 regulations of the ~~Commissioner~~ commissioner; and

125 (5) The license and renewal license fee shall be \$440.00 per manufacturing plant which  
126 manufactures manufactured homes within the State of Georgia; \$440.00 per out-of-state  
127 manufacturing plant which manufactures manufactured homes for the purpose of offering

128 for sale, or having such homes sold, within the State of Georgia; and \$300.00 per retailer  
 129 location and retail broker which sells, offers for sale, or transports to sell such homes  
 130 within the State of Georgia. The license shall be valid from January 1 through  
 131 December 31 of the year in which it was issued. The fee for delinquent renewal  
 132 applications received after January 10 of each year shall be double the regular annual  
 133 renewal fee.

134 8-2-135.1.

135 (a) During such time as the ~~Commissioner's~~ commissioner's office is acting as the primary  
 136 inspection agency pursuant to Section 623 of the National Manufactured Housing  
 137 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the  
 138 regulations issued thereunder, every manufacturer who manufactures manufactured homes  
 139 in Georgia shall pay to the ~~Commissioner~~ commissioner a manufacturing inspection fee for  
 140 each manufactured home manufactured in Georgia, irrespective of whether the  
 141 manufactured home is offered for sale in this state. This manufacturing inspection fee shall  
 142 be \$30.00 for each certification label, as defined in Section 623 of the National  
 143 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
 144 5401, et seq. For any reinspection, a \$15.00 additional fee shall be charged.

145 (b) During such time as the ~~Commissioner's~~ commissioner's office is acting as the state  
 146 administrative agency pursuant to Section 623 of the National Manufactured Housing  
 147 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., a  
 148 monitoring inspection fee paid by each manufacturer in Georgia for each manufactured  
 149 home manufactured in this state shall be paid to the secretary of the United States  
 150 Department of Housing and Urban Development or to the secretary's agent for distribution  
 151 in accordance with the National Manufactured Housing Construction and Safety Standards  
 152 Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations promulgated thereunder.

153 8-2-136.

154 Each manufacturer, retailer, retail broker, and installer of manufactured homes shall  
 155 establish and maintain such records, make such reports, and provide such information as  
 156 the ~~Commissioner~~ commissioner or the secretary of the United States Department of  
 157 Housing and Urban Development may reasonably require in order to be able to determine  
 158 whether the manufacturer, retailer, retail broker, or installer has acted or is acting in  
 159 compliance with this part or with the National Manufactured Housing Construction and  
 160 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. Upon the request of a  
 161 person duly designated by the ~~Commissioner~~ commissioner or the secretary of the United  
 162 States Department of Housing and Urban Development, each manufacturer, retailer, retail

163 broker, and installer shall permit that person to inspect appropriate books, papers, records,  
164 and documents relevant to determining whether the manufacturer, retailer, retail broker, or  
165 installer has acted or is acting in compliance with this part or with the National  
166 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
167 5401, et seq.

168 8-2-137.

169 (a) Any hearing conducted under the provisions of this chapter or of the rules and  
170 regulations promulgated under this part shall be in accordance with Chapter 13 of Title 50,  
171 the 'Georgia Administrative Procedure Act.'

172 (b) The ~~Commissioner~~ commissioner shall be authorized to determine by regulation the  
173 manner in which he or she will conduct presentations of views as required during his or her  
174 participation as the state administrative agency pursuant to the National Manufactured  
175 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

176 (c) The ~~Commissioner~~ commissioner may, through regulations, establish a dispute  
177 resolution program in compliance with 42 U.S.C. Section 5422, the National Manufactured  
178 Housing Construction and Safety Standards Act of 1974.

179 8-2-138.

180 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
181 cooperative agreements pursuant to his or her authority under Code Section 8-2-132,  
182 retailers, retail brokers, and installers are expressly prohibited from altering or modifying  
183 any manufactured home certified under this part and under the rules and regulations of the  
184 ~~Commissioner~~ commissioner, except that alterations, changes, or modifications may be  
185 made by retailers, retail brokers, or installers certified to make such alterations, changes,  
186 or modifications in accordance with rules and regulations promulgated by the  
187 ~~Commissioner~~ commissioner.

188 8-2-139.

189 (a) No person may interfere with, obstruct, or hinder an authorized representative of the  
190 ~~Commissioner~~ commissioner who displays proper department credentials in the  
191 performance of his or her duties as set forth in this part.

192 (b) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon  
193 showing proper credentials and in the discharge of their duties pursuant to this part, are  
194 authorized during regular business hours and without advance notice to enter and inspect  
195 all facilities, warehouses, or establishments in the State of Georgia in which manufactured  
196 homes are manufactured.

197 (c) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon  
198 showing proper credentials and in the discharge of their duties pursuant to this part, are  
199 authorized during regular business hours and without advance notice to enter upon and  
200 inspect all premises in the State of Georgia in which manufactured homes are being sold.

201 8-2-140.

202 Any authorized representative of the ~~Commissioner~~ commissioner may, upon displaying  
203 proper department credentials, stop and inspect any new manufactured home in transit in  
204 order to ascertain if the manufactured home complies with this part and the rules and  
205 regulations promulgated hereunder, provided that the manufactured home has been  
206 manufactured in this state or has been transported into this state for the purpose of sale  
207 within this state.

208 8-2-141.

209 (a) During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
210 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, any  
211 retailer, retail broker, or manufacturer who fails to apply for or obtain a license as required  
212 by Code Section 8-2-135 or who fails to remit the appropriate license fee as stated in Code  
213 Section 8-2-135 shall be subject to a monetary penalty not to exceed \$100.00 for each day  
214 that such violation persists, except that the maximum monetary penalty shall not exceed  
215 \$20,000.00 for any one violation.

216 (b) Any such monetary penalty may be imposed by the ~~Commissioner~~ commissioner after  
217 notice and opportunity for hearing as provided under Chapter 13 of Title 50, the 'Georgia  
218 Administrative Procedure Act.' The amount of such penalty may be collected by the  
219 ~~Commissioner~~ commissioner in the same manner that money judgments are now enforced  
220 in the superior courts of this state.

221 (c) In addition to any such monetary penalty, the ~~Commissioner~~ commissioner may bring  
222 a civil action to enjoin any violation of Code Section 8-2-135, and it shall not be necessary  
223 for the ~~Commissioner~~ commissioner to allege or prove the absence of an adequate remedy  
224 at law.

225 8-2-142.

226 If any state or foreign country imposes upon Georgia-domiciled manufactured home  
227 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in  
228 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or  
229 restrictions, for the privilege of doing business in that state or country, which costs,  
230 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,

231 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home  
 232 manufacturers (or their agents or representatives) which are domiciled in that state or  
 233 foreign country and which are doing business or are seeking to do business in the State of  
 234 Georgia, then so long as that state or foreign country continues to impose such costs,  
 235 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home  
 236 manufacturers (or their agents or representatives), the State of Georgia shall impose upon  
 237 manufactured home manufacturers (or their agents or representatives) which are domiciled  
 238 in that state or foreign country and which are doing business or are seeking to do business  
 239 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by  
 240 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or  
 241 their agents or representatives) which are doing business or seeking to do business in that  
 242 state or foreign country. Any tax, license, or other fee or other obligation imposed by any  
 243 city, county, or other political subdivision or agency of such other state or country on  
 244 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)  
 245 shall be deemed to be imposed by such state or country within the meaning of this Code  
 246 section.

247 8-2-143.

248 (a) *Civil penalties.* Any person in this state who violates any provision of Section 610 of  
 249 the National Manufactured Housing Construction and Safety Standards Act of 1974,  
 250 42 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be  
 251 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such  
 252 violation. Each violation of Section 610 of the aforementioned act or of any regulation or  
 253 order issued thereunder shall constitute a separate violation with respect to each  
 254 manufactured home or with respect to each failure or refusal to allow or perform an act  
 255 required thereby, except that the maximum civil penalty may not exceed \$1 million for any  
 256 related series of violations occurring within one year from the date of the first violation.

257 (b) *Criminal penalties.* An individual or a director, officer, or agent of a corporation who  
 258 knowingly and willfully violates any provision of Section 610 of the National  
 259 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
 260 Section 5401, et seq., in a manner which threatens the health or safety of any purchaser  
 261 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
 262 \$1,000.00 or be imprisoned for not more than 12 months, or both.

263 8-2-144.

264 The ~~Commissioner of Insurance~~ commissioner shall file a report on or before December 15  
 265 of each year accounting for all fees received by the ~~Commissioner~~ commissioner under this

266 part and Part 3 of this article for the preceding 12 month period and for the actual costs of  
 267 the inspection programs under this part and Part 3 of this article for the preceding 12 month  
 268 period. Such report shall be provided to the chairpersons of the House Appropriations  
 269 Committee, the Senate Appropriations Committee, the House Governmental Affairs  
 270 Committee, and the Senate Regulated Industries and Utilities Committee, the director of  
 271 the Office of Planning and Budget, the director of the Senate Budget Office, and the  
 272 director of the House Budget Office.

273 8-2-145.

274 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,  
 275 procedures, and pending and finalized administrative orders of the Safety Fire  
 276 Commissioner under this part which are in effect on June 30, 2013. Such rules,  
 277 regulations, policies, and procedures shall remain in effect until amended, repealed,  
 278 superseded, or nullified by the commissioner.

279 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 280 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 281 function transferred to the Department of Fire Safety shall continue in effect until the same  
 282 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as  
 283 provided by law.

284 (c) Effective July 1, 2013, the Department of Fire Safety shall carry out all of the functions  
 285 and obligations and exercise all of the powers in this part that were formerly held by the  
 286 Safety Fire Commissioner."

#### 287 **SECTION 4.**

288 Title 10 of the Official Code of Georgia Annotated, relating to sale commerce and trade, is  
 289 amended by revising Code Section 10-1-263, relating to enforcement of the "Liquefied  
 290 Petroleum Safety Act of Georgia" by the state fire marshal, as follows:

291 "10-1-263.

292 The state fire marshal, ex officio, shall be designated as the officer charged with the duty  
 293 and authority of enforcing this article, subject to the approval of the commissioner of the  
 294 Department of Fire Safety."

#### 295 **SECTION 5.**

296 Said title is further amended by revising Code Section 10-1-264, relating to assistants and  
 297 employees of state fire marshal, as follows:

298 "10-1-264.  
 299 The state fire marshal, subject to the approval of the commissioner of the Department of  
 300 Fire Safety, is authorized to appoint and employ such assistants and employees, fix their  
 301 salaries, and assign and delegate such duties and responsibilities as he or she may deem  
 302 necessary to carry out this article in an efficient manner."

303 **SECTION 6.**

304 Said title is further amended by revising Code Section 10-1-265, relating to rules and  
 305 regulations setting standards for liquefied petroleum gas equipment, as follows:

306 "10-1-265.

307 (a) The ~~state fire marshal~~ Department of Fire Safety shall make, promulgate, adopt, and  
 308 enforce rules and regulations setting forth minimum general standards covering the design,  
 309 construction, location, installation, and operation of equipment for storing, handling,  
 310 transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases and  
 311 specifying the odorization of said gases and the degree thereof. Said rules and regulations  
 312 shall be such as are reasonably necessary for the protection of the health, welfare, and  
 313 safety of the public and persons using such materials and shall be based upon reasonable  
 314 substantial conformity with the generally accepted standards of safety concerning the same  
 315 subject matter.

316 (b) Rules and regulations promulgated by the ~~state fire marshal~~ Department of Fire Safety  
 317 based upon reasonable substantial conformity with the published standards of the National  
 318 Board of Fire Underwriters for the design, installation, and construction of containers and  
 319 pertinent equipment for the storage and handling of liquefied petroleum gases as  
 320 recommended by the National Fire Protection Association shall be deemed to be in  
 321 substantial conformity with the generally accepted standards of safety concerning the  
 322 subject matter."

323 **SECTION 7.**

324 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 325 amended by revising Code Section 16-7-80, relating to definitions for bombs, explosives, and  
 326 chemical and biological weapons, as follows:

327 "16-7-80.

328 As used in this article, the term:

329 (1) 'Bacteriological weapon' or 'biological weapon' means any device which is designed  
 330 in such a manner as to permit the intentional release into the population or environment  
 331 of microbial or other biological agents or toxins whatever their origin or method of  
 332 production in a manner not otherwise authorized by law or any device the development,

333 production, or stockpiling of which is prohibited pursuant to the 'Convention on the  
 334 Prohibition of the Development, Production, and Stockpiling of Bacteriological  
 335 (Biological) and Toxin Weapons and Their Destruction,' 26 U.S.T. 583, TIAS 8063.

336 (2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of the  
 337 Department of Fire Safety.

338 (3) 'Conviction' means an adjudication of guilt of or a plea of guilty or nolo contendere  
 339 to the commission of an offense against the laws of this state, any other state or territory,  
 340 the United States, or a foreign nation recognized by the United States. Such term includes  
 341 any such conviction or plea notwithstanding the fact that sentence was imposed pursuant  
 342 to Article 3 of Chapter 8 of Title 42. Such term also includes the adjudication or plea of  
 343 a juvenile to the commission of an act which if committed by an adult would constitute  
 344 a crime under the laws of this state.

345 (4) 'Destructive device' means:

346 (A) Any explosive, incendiary, or over-pressure device or poison gas which has been  
 347 configured as a bomb; a grenade; a rocket with a propellant charge of more than four  
 348 ounces; a missile having an explosive or incendiary charge of more than one-quarter  
 349 ounce; a poison gas; a mine; a Molotov cocktail; or any other device which is  
 350 substantially similar to such devices;

351 (B) Any type of weapon by whatever name known which will or may be readily  
 352 converted to expel a projectile by the action of an explosive or other propellant, through  
 353 a barrel which has a bore diameter of more than one-half inch in diameter; provided,  
 354 however, that such term shall not include a pistol, rifle, or shotgun suitable for sporting  
 355 or personal safety purposes or ammunition; a device which is neither designed or  
 356 redesigned for use as a weapon; a device which, although originally designed for use  
 357 as a weapon, is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or  
 358 similar device; or surplus military ordnance sold, loaned, or given by authority of the  
 359 appropriate official of the United States Department of Defense;

360 (C) A weapon of mass destruction;

361 (D) A bacteriological weapon or biological weapon; or

362 (E) Any combination of parts either designed or intended for use in converting any  
 363 device into a destructive device as otherwise defined in this paragraph.

364 (5) 'Detonator' means a device containing a detonating charge that is used to initiate  
 365 detonation in an explosive, including but not limited to electric blasting caps, blasting  
 366 caps for use with safety fuses, and detonating cord delay connectors.

367 (6) 'Director' means the director of the Georgia Bureau of Investigation.

368 (7) 'Distribute' means the actual, constructive, or attempted transfer from one person to  
 369 another.

370 (8) 'Explosive' means any chemical compound or other substance or mechanical system  
371 intended for the purpose of producing an explosion capable of causing injury to persons  
372 or damage to property or containing oxidizing and combustible units or other ingredients  
373 in such proportions or quantities that ignition, fire, friction, concussion, percussion, or  
374 detonator may produce an explosion capable of causing injury to persons or damage to  
375 property, including but not limited to the substances designated in Code Section 16-7-81;  
376 provided, however, that the term explosive shall not include common fireworks as  
377 defined by Code Section 25-10-1, model rockets and model rocket engines designed,  
378 sold, and used for the purpose of propelling recoverable aero models, or toy pistol paper  
379 caps in which the explosive content does not average more than 0.25 grains of explosive  
380 mixture per paper cap for toy pistols, toy cannons, toy canes, toy guns, or other devices  
381 using such paper caps unless such devices are used as a component of a destructive  
382 device.

383 (9) 'Explosive ordnance disposal technician' or 'EOD technician' means:

384 (A) A law enforcement officer, fire official, emergency management official, or an  
385 employee of this state or its political subdivisions or an authority of the state or a  
386 political subdivision who is certified in accordance with Code Section 35-8-13 and  
387 members of the Georgia National Guard who are qualified as explosive ordnance  
388 disposal technicians under the appropriate laws and regulations when acting in the  
389 performance of their official duties; and

390 (B) An official or employee of the United States, including but not limited to a member  
391 of the armed forces of the United States, who is qualified as an explosive ordnance  
392 disposal technician under the appropriate laws and regulations when acting in the  
393 performance of his or her official duties.

394 (10) 'Felony' means any offense punishable by imprisonment for a term of one year or  
395 more, and includes conviction by a court-martial under the Uniform Code of Military  
396 Justice for an offense which would constitute a felony under the laws of the United  
397 States. A conviction of an offense under the laws of a foreign nation shall be considered  
398 a felony for the purposes of this article if the conduct giving rise to such conviction would  
399 have constituted a felony under the laws of this state or of the United States if committed  
400 within the jurisdiction of this state or the United States at the time of such conduct.

401 (11) 'Hoax device' or 'replica' means a device or article which has the appearance of a  
402 destructive device.

403 (12) 'Incendiary' means a flammable liquid or compound with a flash point of 150  
404 degrees Fahrenheit or less as determined by Tagliabue or equivalent closed-cup device,  
405 including but not limited to, gasoline, kerosene, fuel oil, or a derivative of such  
406 substances.

407 (13) 'Over-pressure device' means a frangible container filled with an explosive gas or  
 408 expanding gas which is designed or constructed so as to cause the container to break or  
 409 fracture in a manner which is capable of causing death, bodily harm, or property damage.

410 (14) 'Poison gas' means any toxic chemical or its precursors that through its chemical  
 411 action or properties on life processes causes death or permanent injury to human beings;  
 412 provided, however, that such term shall not include:

413 (A) Riot control agents, smoke, and obscuration materials or medical products which  
 414 are manufactured, possessed, transported, or used in accordance with the laws of the  
 415 United States and of this state;

416 (B) Tear gas devices designed to be carried on or about the person which contain not  
 417 more than one-half ounce of the chemical;

418 (C) Pesticides, as provided in paragraph (12) of Code Section 16-7-93.

419 (15) 'Property' means any real or personal property of any kind including money, choses  
 420 in action, and other similar interests in property.

421 (16) 'Public building' means any structure which is generally open to members of the  
 422 public with or without the payment of an admission fee or membership dues including,  
 423 but not limited to structures owned, operated, or leased by the state, the United States,  
 424 any of the several states, or any foreign nation or any political subdivision or authority  
 425 thereof; any religious organization; any medical facility; any college, school, or  
 426 university; or any corporation, partnership, or association.

427 (17) 'Weapon of mass destruction' means any device which is designed in such a way as  
 428 to release radiation or radioactivity at a level which will result in internal or external  
 429 bodily injury or death to any person."

430 **SECTION 8.**

431 Said title is further amended by revising Code Section 16-7-90, relating to records and  
 432 reports, as follows:

433 "16-7-90.

434 It shall be the duty of any person authorized by paragraph (1) or (2) of Code  
 435 Section 16-7-93 to manufacture, possess, transport, distribute, or use a destructive device,  
 436 detonator, explosive, or hoax device within the state:

437 (1) To maintain such records as may be required pursuant to Title 25. Such records may  
 438 be inspected by the ~~Commissioner~~ commissioner or the director or such officers'  
 439 designees or any law enforcement officer or fire official during normal business hours;  
 440 and

441 (2) To report promptly the loss or theft of any destructive device, detonator, explosive,  
 442 or hoax device to the Georgia Bureau of Investigation."

443 **SECTION 9.**

444 Said title is further amended by revising Code Section 16-7-91, relating to searches and  
445 inspections, as follows:

446 "16-7-91.

447 The ~~Commissioner~~ commissioner or director or such officers' designees or any law  
448 enforcement officer or fire official may obtain an inspection warrant as provided in Code  
449 Section 25-2-22.1 to conduct a search or inspection of:

450 (1) Any person licensed pursuant to Title 25 to manufacture, possess, transport, sell,  
451 distribute, or use a destructive device or detonator within the state;

452 (2) Any person licensed pursuant to Chapter 7 of Title 2 to manufacture, possess,  
453 transport, sell, or distribute or use pesticides; or

454 (3) Any property where such pesticide, destructive device, or detonator is manufactured,  
455 possessed, transported, distributed, or used."

456 **SECTION 10.**

457 Said title is further amended by revising Code Section 16-7-92, relating to compelling  
458 attendance of witnesses and production of evidence, as follows:

459 "16-7-92.

460 In any case where there is reason to believe that a destructive device, detonator, explosive,  
461 or hoax device has been manufactured, possessed, transported, distributed, or used in  
462 violation of this article or Title 25 or that there has been an attempt or a conspiracy to  
463 commit such a violation, the Attorney General, any district attorney, the director, or such  
464 persons as may be designated in writing by such officials shall have the same power to  
465 compel the attendance of witnesses and the production of evidence before such official in  
466 the same manner as the state fire marshal as provided in Code Sections ~~25-2-27, 25-2-28,~~  
467 ~~and 25-2-29~~ 25-2A-21, 25-2A-22, and 25-2A-23."

468 **SECTION 11.**

469 Said title is further amended by revising Code Section 16-7-93, relating to exceptions to  
470 applicability of provisions, as follows:

471 "16-7-93.

472 The provisions of Code Sections 16-7-82, 16-7-84, 16-7-85, and 16-7-86 shall not apply  
473 to:

474 (1) Any person authorized to manufacture, possess, transport, distribute, or use a  
475 destructive device or detonator pursuant to the laws of the United States, as amended, or  
476 pursuant to Title 25 when such person is acting in accordance with such laws and any  
477 regulations issued pursuant thereto;

- 478 (2) Any person licensed as a blaster by the ~~Commissioner~~ commissioner pursuant to  
 479 Chapter 8 of Title 25, when such blaster is acting in accordance with the laws of the state  
 480 and any regulations promulgated thereunder and any ordinances and regulations of the  
 481 political subdivision or authority of the state where blasting operations are being  
 482 performed;
- 483 (3) Fireworks, as defined by Code Section 25-10-1 and any person authorized by the  
 484 laws of this state and of the United States to manufacture, possess, distribute, transport,  
 485 store, exhibit, display, or use fireworks;
- 486 (4) A law enforcement, fire service, or emergency management agency of this state, any  
 487 agency or authority of a political subdivision of this state, or the United States and any  
 488 employee or authorized agent thereof while in performance of official duties and any law  
 489 enforcement officer, fire official, or emergency management official of the United States  
 490 or any other state while attending training in this state;
- 491 (5) The armed forces of the United States or of this state;
- 492 (6) Research or educational programs conducted by or on behalf of a college, university,  
 493 or secondary school which have been authorized by the chief executive officer of such  
 494 educational institution or his or her designee and which is conducted in accordance with  
 495 the laws of the United States and of this state;
- 496 (7) The use of explosive materials in medicines and medicinal agents in forms prescribed  
 497 by the most recent published edition of the official United States Pharmacopoeia or the  
 498 National Formulary;
- 499 (8) Small arms ammunition and reloading components thereof;
- 500 (9) Commercially manufactured black powder in quantities not to exceed 50 pounds,  
 501 percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and  
 502 friction primers intended to be used solely for sporting, recreational, or cultural purposes  
 503 in antique firearms or antique devices; or
- 504 (10) An explosive which is lawfully possessed in accordance with the rules adopted  
 505 pursuant to Code Section 16-7-94."

506

**SECTION 12.**

507 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
 508 amended by revising Chapter 2, relating to the regulation of fire and other hazards, as  
 509 follows:

## 510 "CHAPTER 2

511 25-2-1.

512 As used in this chapter, the term 'Commissioner' means the ~~Safety Fire~~ Commissioner of  
513 Insurance.

514 25-2-2.

515 The office of ~~Safety Fire~~ Commissioner is created. The Commissioner of Insurance shall  
516 be the ~~Safety Fire~~ Commissioner.

517 25-2-3.

518 Except as provided in Code Section 25-2-12, the Commissioner is charged with the duties  
519 and chief responsibility for the enforcement of this chapter. He or she may, consistent with  
520 this chapter, delegate to the officers and employees appointed under this chapter such  
521 duties and powers as in his or her discretion he or she shall deem necessary or advisable  
522 for the proper enforcement of this chapter and shall have full supervision and control over  
523 such officers and employees in the performance of their duties or in the exercise of any  
524 powers granted to such officers and employees by him or her or by this chapter. Except  
525 as provided in Code Section 25-2-12, the Commissioner shall be the final authority in all  
526 matters relating to the interpretation and enforcement of this chapter, except insofar as his  
527 or her orders may be reversed or modified by the courts.

528 25-2-4.

529 The Commissioner shall adopt such rules and regulations as he or she deems necessary to  
530 promote the enforcement of this chapter. Such rules and regulations shall have the force  
531 and effect of law and shall have state-wide application as being the state minimum fire  
532 safety standards and shall not require adoption by a municipality or county. The governing  
533 authority of any municipality or county in this state is authorized to enforce the state  
534 minimum fire safety standards on all buildings and structures except one-family and  
535 two-family dwellings and those buildings and structures listed in Code Section 25-2-13.  
536 All other applications of the state minimum fire safety standards and fees are specified in  
537 Code Sections 25-2-4.1, 25-2-12, and 25-2-12.1. Before the Commissioner shall adopt as  
538 a part of his rules and regulations for the enforcement of this chapter any of the principles  
539 of the various codes referred to in this chapter, he or she shall first consider and approve  
540 them as reasonably suitable for the enforcement of this chapter. Not less than 15 days  
541 before any rules and regulations are promulgated, a public hearing shall be held. Notice  
542 of the hearing shall be advertised in a newspaper of general circulation.

543 25-2-4.1.

544 (a) The Commissioner is authorized to assess and collect, and persons so assessed shall  
545 pay in advance to the Commissioner, fees and charges under this chapter as follows:

546	<del>(1) New anhydrous ammonia permit for storage in bulk (more than</del>	
547	<del>2,000 gallons aggregate capacity) for sale or distribution one-time</del>	
548	<del>fee . . . . .</del>	<del>\$ 150.00</del>
549	<del>(2) Annual license for manufacture of explosives other than</del>	
550	<del>fireworks . . . . .</del>	<del>150.00</del>
551	<del>(3) Annual license for manufacture, storage, or transport of</del>	
552	<del>fireworks . . . . .</del>	<del>1,500.00</del>
553	<del>(4)</del> <u>(1)</u> Carnival license . . . . .	<u>\$</u> 150.00
554	<del>(5)</del> <u>(2)</u> Certificate of occupancy . . . . .	100.00
555	<del>(6)</del> <u>(3)</u> Construction plan review:	
556	(A) Bulk storage construction . . . . .	150.00
557	(B) Building construction, 10,000 square feet or less . . . . .	150.00
558	(C) Building construction, more than 10,000 square feet . . . . .	.015 per square foot
559	(D) Other construction . . . . .	150.00
560	<del>(7)</del> <u>(4)</u> Fire sprinkler contractor certificate of competency . . . . .	150.00
561	<del>(8) Liquefied petroleum gas storage license:</del>	
562	<del>(A) 2,000 gallons or less . . . . .</del>	<del>150.00</del>
563	<del>(B) More than 2,000 gallons . . . . .</del>	<del>600.00</del>
564	<del>(9)</del> <u>(5)</u> Building construction inspection:	
565	(A) 80 percent completion, 100 percent completion, annual, and	
566	first follow-up . . . . .	none
567	(B) Second follow-up . . . . .	150.00
568	(C) Third and each subsequent follow-up . . . . .	220.00
569	<del>(10) Purchase, storage, sale, transport, or use of explosives other</del>	
570	<del>than fireworks:</del>	
571	<del>(A) 500 pounds or less . . . . .</del>	<del>75.00</del>
572	<del>(B) More than 500 pounds . . . . .</del>	<del>150.00</del>
573	<del>(11) New self-service gasoline station permit one-time fee . . . . .</del>	<del>150.00</del>
574	<del>(12) New permit to dispense compressed natural gas (CNG) for</del>	
575	<del>vehicular fuel one-time fee . . . . .</del>	<del>150.00</del>

576 (b) The licenses and permits for which fees or charges are required pursuant to this Code  
 577 section shall not be transferable. A new license or permit and fee are required upon change  
 578 of ownership.

579 25-2-5.

580 The Commissioner shall appoint a state ~~fire~~ safety marshal. Qualifications for appointment  
 581 as state ~~fire~~ safety marshal shall be previous training and experience in endeavors similar  
 582 to those prescribed in this chapter. The Commissioner shall fix the salary of the state ~~fire~~  
 583 safety marshal.

584 25-2-6.

585 The Safety ~~Fire~~ Division of the office of Commissioner of Insurance shall be headed by the  
 586 state ~~fire~~ safety marshal appointed by the Commissioner.

587 25-2-7.

588 The state ~~fire~~ safety marshal, subject to the approval of the Commissioner, shall appoint  
 589 a deputy state ~~fire~~ safety marshal and administrative ~~fire~~ safety specialists and shall employ  
 590 such office personnel as may be required to carry out this chapter. The deputy state ~~fire~~  
 591 safety marshal and administrative ~~fire~~ safety specialists shall be chosen by virtue of their  
 592 previous training and experience in the particular duties which shall be assigned to them.  
 593 They shall take an oath to perform faithfully the duties of their ~~office~~ offices.

594 25-2-8.

595 All state employees connected with the state ~~fire~~ safety marshal's office shall be allowed  
 596 subsistence, lodging, and other expenses in connection with the execution of their duties  
 597 when away from their headquarters. Transportation for such employees shall be paid at the  
 598 mileage rate fixed by law for other state employees.

599 25-2-9.

600 ~~(a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the~~  
 601 ~~district attorney of the judicial circuit, or a local fire official, the state fire marshal and any~~  
 602 ~~employees of such official shall have the authority to investigate the cause and origin of~~  
 603 ~~any fire which occurred in said county, jurisdiction, or judicial circuit.~~

604 ~~(b) Personnel employed and authorized by the state fire marshal shall have the power to~~  
 605 ~~make arrests for criminal violations established as a result of investigations. Such~~  
 606 ~~personnel must hold certification as a peace officer from the Georgia Peace Officer~~  
 607 ~~Standards and Training Council and shall have the power to execute arrest warrants and~~

608 ~~search warrants for criminal violations and to arrest, upon probable cause and without~~  
 609 ~~warrant, any person found violating any of the provisions of applicable criminal laws.~~  
 610 ~~Authorized personnel empowered to make arrests pursuant to this Code section shall be~~  
 611 ~~empowered to carry firearms as authorized by the state fire marshal in the performance of~~  
 612 ~~their duties. It shall be unlawful for any person to resist an arrest authorized by this Code~~  
 613 ~~section or to interfere in any manner, including abetting or assisting such resistance or~~  
 614 ~~interference, with personnel employed by the state fire marshal in the duties imposed upon~~  
 615 ~~such personnel by law~~ Reserved.

616 25-2-10.

617 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or  
 618 decision of the state ~~fire~~ safety marshal, the right is granted to appeal within ten days to the  
 619 Commissioner. If the person, firm, corporation, or public entity is dissatisfied with the  
 620 decision of the Commissioner, appeal is authorized to the superior court within 30 days in  
 621 the manner provided under Chapter 13 of Title 50. In the event of such appeal, the person,  
 622 firm, corporation, or public entity shall give a surety bond which will be conditioned upon  
 623 compliance with the order and direction of the state ~~fire~~ safety marshal or the  
 624 Commissioner or both. The amount of bond shall be fixed by the Commissioner in such  
 625 amount as will reasonably cover the order issued by the Commissioner or the state ~~fire~~  
 626 safety marshal or both.

627 25-2-12.

628 (a)(1) The county governing authority in any county having a population of 100,000 or  
 629 more, and the municipal governing authority in any municipality having a population of  
 630 45,000 or more, each as determined by the most recent decennial census published by the  
 631 United States Bureau of the Census, and those municipalities pursuant to subsection (b)  
 632 of this Code section shall adopt the state minimum fire safety standards adopted in the  
 633 rules and regulations promulgated pursuant to this chapter, including all subsequent  
 634 revisions thereof.

635 (2) With respect to those buildings and structures listed in Code Section 25-2-13, except  
 636 for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions  
 637 and except for buildings and structures which are owned and operated or occupied by the  
 638 state, every such local governing authority shall be responsible for enforcing such fire  
 639 safety standards within its jurisdiction and shall:

640 (A) Conduct fire safety inspections of existing buildings and structures;

641 (B) Review plans and specifications for proposed buildings and structures, issue  
 642 building permits when plans are approved, and conduct fire safety inspections of such  
 643 buildings and structures; and

644 (C) Issue permanent and temporary certificates of occupancy.

645 (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel  
 646 of any such local governing authority from making inspections of any state owned and  
 647 operated or occupied building or structure listed in Code Section 25-2-13 and from filing  
 648 reports of such inspections with the office of the Commissioner.

649 (4) Nothing in this subsection shall be construed so as to place upon any municipality,  
 650 county, or any officer or employee thereof, the responsibility to take enforcement action  
 651 regarding any existing building or structure listed in Code Section 25-2-13, if such  
 652 building or structure was granted a certificate of occupancy pursuant to a waiver granted  
 653 prior to January 1, 1982, and which was granted pursuant to the recommendation of the  
 654 engineering staff over the objection of the local authority having jurisdiction.

655 (5) Every such local governing authority shall have the authority to charge and retain  
 656 appropriate fees for performing the duties required in subparagraphs (A) and (B) of  
 657 paragraph (2) of this subsection. In cases where the governing authority of a municipality  
 658 enforcing fire safety standards pursuant to this subsection contracts for the enforcement  
 659 of fire safety standards, any municipal or county office or authority providing such  
 660 enforcement shall not charge fees in excess of those charged in its own political  
 661 subdivision for such enforcement.

662 (6) Every such local governing authority shall be responsible for investigating all cases  
 663 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties  
 664 and powers authorized by Code Sections ~~25-2-27, 25-2-28, and 25-2-29~~ 25-2A-21,  
 665 25-2A-22, and 25-2A-23 in carrying out such responsibility, and shall submit quarterly  
 666 reports to the state fire safety marshal containing fire-loss data regarding all fires within  
 667 its jurisdiction. The state fire marshal shall have the authority to initiate any arson  
 668 investigation upon request of any such local governing authority and ~~he~~ shall provide  
 669 assistance to the requesting authority regarding any of the duties and responsibilities  
 670 required by this paragraph.

671 (7) No such local governing authority shall have the authority to grant any waiver or  
 672 variance which would excuse any building, structure, or proposed plans for buildings or  
 673 structures from compliance with the state minimum fire safety standards as adopted in  
 674 the rules and regulations promulgated pursuant to this chapter.

675 (b) Municipalities having a population of less than 45,000 as determined by the most  
 676 recent decennial census published by the United States Bureau of the Census may adopt  
 677 the state minimum fire safety standards adopted in the rules and regulations promulgated

678 pursuant to this chapter, including all subsequent revisions thereof. The municipal  
679 governing authority shall indicate its intention to adopt and enforce the state minimum fire  
680 safety standards by forwarding a resolution so indicating to the Commissioner. The  
681 municipality shall then adopt and enforce the state minimum fire safety standards as set  
682 forth in subsection (a) of Code Section 25-2-12.

683 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in  
684 jurisdictions other than those jurisdictions covered under subsection (a) of this Code  
685 section, and with respect to every such hospital and every such building and structure  
686 owned and operated or occupied by the state, wherever located, the office of the  
687 Commissioner shall perform those duties specified in paragraph (2) of subsection (a) of this  
688 Code section and shall perform all other duties required by this chapter.

689 (d) Except as specifically stated in this Code section, nothing in this Code section shall  
690 reduce or avoid the duties and responsibilities of the office of the Commissioner or the state  
691 fire safety marshal imposed by other Code sections of this chapter, other provisions of this  
692 Code, or any existing contract or agreement and all renewals thereof between the office of  
693 the Commissioner or the state fire safety marshal and any other state or federal government  
694 agency. Nothing in this Code section shall prohibit the office of the Commissioner, state  
695 fire safety marshal, or any local governing authority from entering into any future contract  
696 or agreement regarding any of the duties imposed under this Code section.

697 (e)(1) The office of the Commissioner shall be responsible for interpretations of the state  
698 minimum fire safety standards as adopted in the rules and regulations promulgated  
699 pursuant to this chapter.

700 (2) On the construction on existing buildings, local governments authorized to enforce  
701 the state minimum fire safety standards pursuant to subsection (a) and subsection (b) of  
702 this Code section, notwithstanding paragraph (7) of subsection (a) of this Code section,  
703 may grant variances from compliance with the state minimum fire safety standards as  
704 adopted in the rules and regulations promulgated pursuant to this chapter.

705 (3) On the construction on existing buildings not under the jurisdiction of a local  
706 government for purposes of paragraph (2) of this subsection, the Commissioner may  
707 grant variances from compliance with the state minimum fire safety standards as adopted  
708 in the rules and regulations promulgated pursuant to this chapter.

709 (4) On the construction of new buildings, the Commissioner, upon the written  
710 recommendation of the state fire safety marshal and the written request of the fire or  
711 building official responsible for enforcing the state minimum fire safety standards, may  
712 grant variances from compliance with the state minimum fire safety standards as adopted  
713 in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered

714 under subsection (a) of this Code section and jurisdictions other than those covered under  
715 subsection (a) of this Code section.

716 (5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be  
717 as nearly equivalent as practical to the standards required in this chapter.

718 25-2-12.1.

719 (a) As used in this Code section, the term:

720 (1) 'Deputy local ~~fire~~ safety marshal' means any person who is employed by, supervised  
721 by, or otherwise assists a local ~~fire~~ safety marshal and who has been or is seeking to be  
722 deputized pursuant to this Code section.

723 (2) 'Local ~~fire~~ safety marshal' means any employee or independent contractor of any  
724 municipality, county, or other governing authority not adopting the state minimum fire  
725 safety standards as provided in subsection (a) of Code Section 25-2-12 who is responsible  
726 for performing fire safety duties for such municipality, county, or governing authority and  
727 who has been or is seeking to be deputized pursuant to this Code section.

728 (3) 'State inspector' means any person who is employed by any board, commission, or  
729 other administrative authority of any state owned and operated or occupied facility, who  
730 is responsible for performing fire safety duties within such facility, and who has been or  
731 is seeking to be deputized pursuant to this Code section.

732 (b) Upon application submitted by any governing authority or administrative authority  
733 described in subsection (a) of this Code section, the state ~~fire~~ safety marshal, subject to the  
734 approval of the Commissioner and in accordance with this Code section, shall have the  
735 authority to deputize local ~~fire~~ safety marshals, deputy local ~~fire~~ safety marshals, or state  
736 inspectors, as appropriate, as state officers. The application shall be verified by an  
737 appropriate official and shall contain the name, address, and current place of employment  
738 for each applicant seeking to be deputized and the dates and places of past employment,  
739 educational background, training experience, any area of specialization and the basis  
740 therefor, and such other information as may be required by the state ~~fire~~ safety marshal.

741 (c)(1) Prior to deputizing any local ~~fire~~ safety marshal, deputy local ~~fire~~ safety marshal,  
742 or state inspector, the state ~~fire~~ safety marshal shall examine the applicant's education,  
743 training, and employment experience to ascertain whether the applicant is qualified to  
744 perform duties in one or more of the following areas:

745 (A) Fire safety inspections; or

746 (B) Review of plans and specifications; ~~or~~

747 ~~(C) Arson investigations.~~

748 (2) If the state fire safety marshal is satisfied that the applicant is qualified, he shall  
 749 recommend to the Commissioner that the applicant be deputized as a state officer to  
 750 perform the appropriate duties on behalf of the state.

751 (d) It shall be the responsibility of the governing authority to notify the state fire safety  
 752 marshal when a local fire safety marshal is no longer employed by or accountable to such  
 753 governing authority. It shall be the responsibility of the local fire safety marshal to ensure  
 754 that his deputy local fire safety marshals perform their appointed duties and to notify the  
 755 state fire safety marshal when a deputy local fire safety marshal is no longer employed  
 756 under his or her authority. It shall be the responsibility of the administrative authority to  
 757 ensure that state inspectors perform their appointed duties and to notify the state fire safety  
 758 marshal when a state inspector is no longer employed by such administrative authority.

759 (e) All deputized local fire safety marshals, deputy local fire safety marshals, and state  
 760 inspectors shall submit monthly reports of their activities to the state fire safety marshal  
 761 and shall comply with the administrative procedures of the state fire safety marshal's office.  
 762 Any deputized local fire safety marshal, deputy local fire safety marshal, or state inspector  
 763 who is found by the state fire safety marshal to be negligent in performing his or her  
 764 appointed duties or in fulfilling his or her responsibilities shall be removed from his or her  
 765 position as a state officer.

766 25-2-13.

767 (a) As used in this Code section, the term:

768 (1) 'Capacity' means the maximum number of persons who may be reasonably expected  
 769 to be present in any building or on any floor thereof at a given time according to the use  
 770 which is made of such building. The Commissioner shall determine and by rule declare  
 771 the formula for determining capacity for each of the uses described in this Code section.

772 (2) 'Historic building or structure' means any individual building or any building which  
 773 contributes to the historic character of a historic district, so designated by the state  
 774 historic preservation officer pursuant to rules and regulations adopted by the Board of  
 775 Natural Resources, or as so designated pursuant to the provisions of Article 2 of  
 776 Chapter 10 of Title 44, the 'Georgia Historic Preservation Act.'

777 (3) 'Landmark museum building' means a historic building or structure used as an exhibit  
 778 of the building or structure itself which exhibits a high degree of architectural integrity  
 779 and which is open to the public not fewer than 12 days per year; however, additional uses,  
 780 original or ancillary, to the use as a museum shall be permitted within the same building  
 781 subject to the provisions of paragraph (3) of subsection (b) of this Code section.  
 782 Landmark museum buildings must be so designated by the state historic preservation  
 783 officer pursuant to rules and regulations adopted by the Board of Natural Resources.

784 (b)(1) Certain buildings and structures, because of construction or use, may constitute  
785 a special hazard to property or to the life and safety of persons on account of fire or panic  
786 from fear of fire. Buildings constructed or used in the following manner present such a  
787 special hazard:

788 (A) Buildings or structures more than three stories in height; provided, however, that  
789 nothing in this Code section shall apply to any individually owned residential unit  
790 within any such building;

791 (B) Any building three or more stories in height and used as a residence by three or  
792 more families, with individual cooking and bathroom facilities for each family;  
793 provided, however, that nothing in this Code section shall apply to any individually  
794 owned residential unit within any such building;

795 (C) Any building in which there are more than 15 sleeping accommodations for hire,  
796 with or without meals but without individual cooking facilities, whether designated as  
797 a hotel, motel, inn, club, dormitory, rooming or boarding house, or by any other name;

798 (D) Any building or group of buildings which contain schools and academies for any  
799 combination of grades one through 12 having more than 15 children or students in  
800 attendance at any given time and all state funded kindergarten programs;

801 (E) Hospitals, health care centers, mental health institutions, orphanages, nursing  
802 homes, convalescent homes, old age homes, jails, prisons, reformatories, and all  
803 administrative, public assembly, and academic buildings of colleges, universities, and  
804 vocational-technical schools. As used in this subparagraph, the terms 'nursing homes,'  
805 'convalescent homes,' and 'old age homes' mean any building used for the lodging,  
806 personal care, or nursing care on a 24 hour basis of four or more invalids,  
807 convalescents, or elderly persons who are not members of the same family;

808 (F) Racetracks, stadiums, and grandstands;

809 (G) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls,  
810 recreation halls, and other places of public assembly having an occupant load of 300  
811 or more persons, except that the occupant load shall be 100 or more persons in those  
812 buildings where alcoholic beverages are served;

813 (G.1) Churches having an occupant load of 500 or more persons in a common area or  
814 having an occupant load greater than 1,000 persons based on total occupant load of the  
815 building or structure;

816 (H) Department stores and retail mercantile establishments having a gross floor area  
817 of 25,000 square feet on any one floor or having three or more floors that are open to  
818 the public. For purposes of this subparagraph, shopping centers and malls shall be  
819 assessed upon the basis of the entire area covered by the same roof or sharing common  
820 walls; provided, however, that nothing in this Code section shall apply to single-story

821 malls or shopping centers subdivided into areas of less than 25,000 square feet by a  
 822 wall or walls with a two-hour fire resistance rating and where there are unobstructed  
 823 exit doors in the front and rear of every such individual occupancy which open directly  
 824 to the outside;

825 (I) Group day-care homes and day-care centers required to be licensed or  
 826 commissioned as such by the Department of Early Care and Learning and in which at  
 827 least seven children receive care. As used in this subparagraph, the term 'group  
 828 day-care home' means a day-care facility subject to licensure by the Department of  
 829 Early Care and Learning where at least seven but not more than 12 children receive  
 830 care; and the term 'day-care center' means a day-care facility subject to licensure or  
 831 issuance of a commission by the Department of Early Care and Learning where more  
 832 than 12 children receive care. Fire safety standards adopted by rules of the  
 833 Commissioner pursuant to Code Section 25-2-4 which are applicable to group day-care  
 834 homes and day-care centers shall not require staff-to-child ratios; and

835 (J) Personal care homes required to be licensed as such by the Department of  
 836 Community Health and having at least seven beds for nonfamily adults, and the  
 837 Commissioner shall, pursuant to Code Section 25-2-4, by rule adopt state minimum fire  
 838 safety standards for those homes, and any structure constructed as or converted to a  
 839 personal care home on or after April 15, 1986, shall be deemed to be a proposed  
 840 building pursuant to subsection (d) of Code Section 25-2-14 and that structure may be  
 841 required to be furnished with a sprinkler system meeting the standards established by  
 842 the Commissioner if he deems this necessary for proper fire safety.

843 (2) Any building or structure which is used exclusively for agricultural purposes and  
 844 which is located in an unincorporated area shall be exempt from the classification set  
 845 forth in paragraph (1) of this subsection.

846 (3)(A) The provisions of this paragraph relating to landmark museum buildings shall  
 847 apply only to those portions of such buildings which meet all the requirements of a  
 848 landmark museum building, except as otherwise provided in subparagraphs (B) and (C)  
 849 of this paragraph. Subparagraphs (B) and (C) of this paragraph shall, unless otherwise  
 850 provided in such subparagraphs, preempt all state laws, regulations, or rules governing  
 851 reconstruction, alteration, repair, or maintenance of landmark museum buildings. Local  
 852 governing authorities may recognize the designation of landmark museum buildings by  
 853 ordinance and authorize the local enforcement authority to incorporate the provisions  
 854 of subparagraphs (B) and (C) of this paragraph into their local building and fire codes.  
 855 Subparagraphs (D) and (E) of this paragraph shall apply to other historic buildings or  
 856 structures.

857 (B) A landmark museum building shall be subject to the following provisions:

858 (i) Repairs, maintenance, and restoration shall be allowed without conformity to any  
859 state building or fire safety related code, standard, rule, or regulation, provided the  
860 building is brought into and remains in full compliance with this paragraph;

861 (ii) In the case of fire or other casualty to a landmark museum building, it may be  
862 rebuilt, in total or in part, using such techniques and materials as are necessary to  
863 restore it to the condition prior to the fire or casualty and use as a totally preserved  
864 building; or

865 (iii) If a historic building or structure, as a result of proposed work or changes in use,  
866 would become eligible and would be so certified as a landmark museum building, and  
867 the state historic preservation officer so certifies and such is submitted to the state fire  
868 and building code official with the construction or building permit application, then  
869 the work may proceed under the provisions of this paragraph.

870 (C) All landmark museum buildings shall comply with the following requirements:

871 (i) Every landmark museum building shall have portable fire extinguishers as deemed  
872 appropriate by the state or local fire authority having jurisdiction based on the  
873 applicable state or local fire safety codes or regulations;

874 (ii) All landmark museum buildings which contain residential units shall have  
875 electrically powered smoke or products of combustion detectors installed within each  
876 living unit between living and sleeping areas. Such detectors shall be continuously  
877 powered by the building's electrical system. When activated, the detector shall initiate  
878 an alarm which is audible in sleeping rooms of that living unit. These unit detectors  
879 shall be required in addition to any other protective system that may be installed in  
880 the building;

881 (iii) For all landmark museum buildings, except those protected by a total automatic  
882 fire suppression system and one and two family dwellings, approved automatic fire  
883 warning protection shall be provided as follows: install at least one listed smoke or  
884 products of combustion detector for every 1,200 square feet of floor area per floor or  
885 story. In addition, all lobbies, common corridors, hallways, and ways of exit access  
886 shall be provided with listed smoke or products of combustion detectors not more  
887 than 30 feet apart. Detectors shall be so connected as to sound an alarm audible  
888 throughout the structure or building. With respect to buildings which are totally  
889 protected by an automatic fire suppression system, activation of the sprinkler system  
890 shall sound an alarm throughout the structure or building;

891 (iv) Smoke or products of combustion detectors shall be listed by a nationally  
892 recognized testing laboratory;

893 (v) All multistory landmark museum buildings, except one and two family dwellings,  
894 with occupancy above or below the street or grade level shall have manual fire alarm

895 pull stations in the natural path of egress. The activation of a manual pull station shall  
896 cause the building fire warning system to sound;

897 (vi) Approved exit signs shall be located where designated by the local or state  
898 authority having jurisdiction in accordance with the applicable state or local code,  
899 standard, rule, or regulation;

900 (vii) Except for one and two family dwellings, every landmark museum building  
901 occupied after daylight, or which has occupied areas subject to being totally darkened  
902 during daylight hours due to a power failure or failure of the electrical system, shall  
903 be equipped with approved emergency lighting meeting the provisions of the  
904 applicable state or local code, standard, rule, or regulation;

905 (viii) Occupant loading of landmark museum buildings or structures shall be limited  
906 by either the actual structural floor load capacity or by the limitations of means of  
907 egress or by a combination of factors. Actual floor load capacity shall be determined  
908 by a Georgia registered professional engineer. Said floor load shall be posted at a  
909 conspicuous location. The building owner shall submit evidence of this certification  
910 and related computations to the enforcement authority having jurisdiction, upon  
911 request. Where one or more floors of a landmark museum building have only one  
912 means of egress, the occupant load shall be computed and occupancy limited as  
913 determined by the state or local fire marshal; and

914 (ix) The electrical, heating, and mechanical systems of landmark museum buildings  
915 shall be inspected and any conditions that create a threat of fire or a threat to life shall  
916 be corrected in accordance with applicable standards to the extent deemed necessary  
917 by the state or local authority having jurisdiction.

918 (D) Historic buildings not classified as landmark museum buildings shall meet the  
919 requirements of applicable state or local building and fire safety laws, ordinances,  
920 codes, standards, rules, or regulations as they pertain to existing buildings. If a historic  
921 building or structure is damaged from fire or other casualty, it may be restored to the  
922 condition prior to the fire or casualty using techniques and methods consistent with its  
923 original construction, or it shall meet the requirements for new construction of the  
924 applicable state or local codes, standards, rules, or regulations, provided these  
925 requirements do not significantly compromise the features for which the building was  
926 considered historically significant.

927 (E) As to any buildings or structures in the State of Georgia which meet the criteria of  
928 paragraph (1) of subsection (b) of this Code section and thus fall under the jurisdiction  
929 of the Safety Fire Commissioner and which also have been designated as historically  
930 significant by the state historic preservation officer, the appropriate enforcement  
931 official, in granting or denying a variance pursuant to subsection (e) of Code

932 Section 25-2-12, shall consider the intent of this chapter, with special attention to  
933 paragraph (3) of this subsection, Article 3 of Chapter 2 of Title 8, 'The Uniform Act for  
934 the Application of Building and Fire Related Codes to Existing Buildings,' Article 2 of  
935 Chapter 10 of Title 44, the 'Georgia Historic Preservation Act,' and the Secretary of  
936 Interior's Standards for Preservation Projects.

937 (4) Nothing in this subsection shall be construed as exempting any building, structure,  
938 facility, or premises from ordinances enacted by any municipal governing authority in  
939 any incorporated area or any county governing authority in any unincorporated area,  
940 except to the extent stated in paragraph (3) of this subsection relative to landmark  
941 museum buildings or historic buildings or structures.

942 (c) Every person who owns or controls the use of any building, part of a building, or  
943 structure described in paragraph (1) of subsection (b) of this Code section, which, because  
944 of floor area, height, location, use or intended use as a gathering place for large groups, or  
945 use or intended use by or for the aged, the ill, the incompetent, or the imprisoned,  
946 constitutes a special hazard to property or to the life and safety of persons on account of  
947 fire or panic from fear of fire, must so construct, equip, maintain, and use such building or  
948 structure as to afford every reasonable and practical precaution and protection against  
949 injury from such hazards. No person who owns or controls the use or occupancy of such  
950 a building or structure shall permit the use of the premises so controlled for any such  
951 specially hazardous use unless he has provided such precautions against damage to  
952 property or injury to persons by these hazards as are found and determined by the  
953 Commissioner in the manner described in subsection (d) of this Code section to be  
954 reasonable and practical.

955 (d) The Commissioner is directed to investigate and examine construction and engineering  
956 techniques; properties of construction materials, fixtures, facilities, and appliances used in,  
957 upon, or in connection with buildings and structures; and fire prevention and protective  
958 techniques, including, but not limited to, the codes and standards adopted, recommended,  
959 or issued from time to time by the National Fire Protection Association (National Fire Code  
960 and National Electric Code), the American Insurance Association (National Building  
961 Code), the successor to the National Board of Fire Underwriters, the American Standards  
962 Association, and the Standard Building Code Congress (Southern Standard Building Code).  
963 Based upon such investigation, the Commissioner is authorized to determine and by rule  
964 to provide what reasonable and practical protection must be afforded property and persons  
965 with respect to: exits; fire walls and internal partitions adequate to resist fire and to retard  
966 the spread of fire, smoke, heat, and gases; electrical wiring, electrical appliances, and  
967 electrical installations; safety and protective devices, including, but not limited to, fire  
968 escapes, fire prevention equipment, sprinkler systems, fire extinguishers, panic hardware,

969 fire alarm and detection systems, exit lights, emergency auxiliary lights, and other similar  
 970 safety devices; flameproofing; motion picture equipment and projection booths; and similar  
 971 facilities; provided, however, that any building described in subparagraph (b)(1)(C) of this  
 972 Code section shall be required to have a smoke or products of combustion detector listed  
 973 by a nationally recognized testing laboratory; and, regardless of the manufacturer's  
 974 instructions, such detectors in these buildings shall be located in all interior corridors, halls,  
 975 and basements no more than 30 feet apart or more than 15 feet from any wall; where there  
 976 are no interior halls or corridors, the detectors shall be installed in each sleeping room. All  
 977 detection systems permitted after April 1, 1992, shall be powered from the building's  
 978 electrical system and all detection systems required by this chapter, permitted after April 1,  
 979 1992, shall have a one and one-half hour emergency power supply source. Required  
 980 corridor smoke detector systems shall be electrically interconnected to the fire alarm, if a  
 981 fire alarm is required. If a fire alarm is not required, the detectors at a minimum shall be  
 982 approved single station detectors powered from the building electrical service.

983 (e) All rules and regulations promulgated before April 1, 1968, by the Commissioner or  
 984 the state fire safety marshal and the minimum fire safety standards adopted therein shall  
 985 remain in full force and effect where applicable until such time as they are amended by the  
 986 appropriate authority.

987 (f) The municipal governing authority in any incorporated area or the county governing  
 988 authority in any unincorporated area of the state shall have the authority to enact such  
 989 ordinances as it deems necessary to perform fire safety inspections and related activities  
 990 for those buildings and structures not covered in this Code section.

991 (g) Notwithstanding any other provision of law or any local ordinance to the contrary, in  
 992 the event of a conflict between any code or standard of the National Fire Protection  
 993 Association (National Fire Code and National Electric Code) and of the Standard Building  
 994 Code Congress (Southern Standard Building Code), the code or standard of the National  
 995 Fire Protection Association (National Fire Code and National Electric Code) shall prevail.  
 996 The order of precedence established by this subsection shall apply to all buildings and  
 997 structures whether or not such buildings and structures are covered under this Code section.

998 25-2-14.

999 (a)(1) Plans and specifications for all proposed buildings which come under  
 1000 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come  
 1001 under the jurisdiction of the office of the Commissioner pursuant to Code  
 1002 Section 25-2-12 shall be submitted to and receive approval by either the state fire safety  
 1003 marshal, the proper local fire safety marshal, or state inspector before any state,  
 1004 municipal, or county building permit may be issued or construction started. All such

1005 plans and specifications submitted as required by this subsection shall be accompanied  
1006 by a fee in the amount provided in Code Section 25-2-4.1 and shall bear the seal and  
1007 Georgia registration number of the drafting architect or engineer or shall otherwise have  
1008 the approval of the Commissioner.

1009 (2)(A) If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1010 inspector, or designated code official cannot provide plan review within 30 business  
1011 days of receiving a written application for permitting in accordance with the code  
1012 official's plan submittal process, then, in lieu of plan review by personnel employed by  
1013 such governing authority, any person, firm, or corporation engaged in a construction  
1014 project which requires plan review, regardless if the plan review is required by  
1015 subsection (a) of this Code section or by local county or municipal ordinance, shall  
1016 have the option of retaining, at its own expense, a private professional provider to  
1017 provide the required plan review. As used in this paragraph, the term 'private  
1018 professional provider' means a professional engineer who holds a certificate of  
1019 registration issued under Chapter 15 of Title 43 or a professional architect who holds  
1020 a certificate of registration issued under Chapter 4 of Title 43, who is not an employee  
1021 of or otherwise affiliated with or financially interested in the person, firm, or  
1022 corporation engaged in the construction project to be reviewed.

1023 (B) The state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector,  
1024 or designated code official shall advise the permit applicant at the time the complete  
1025 submittal application for a permit in accordance with the code official's plan submittal  
1026 process is received that the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal,  
1027 state inspector, or designated code official intends to complete the required plan review  
1028 within the time prescribed by this paragraph or that the applicant may immediately  
1029 secure the services of a private professional provider to complete the required plan  
1030 review pursuant to this subsection. The plan submittal process shall include those  
1031 procedures and approvals required by the local jurisdiction before plan review can take  
1032 place. If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1033 inspector, or designated code official states its intent to complete the required plan  
1034 review within the time prescribed by this paragraph, the applicant shall not be  
1035 authorized to use the services of a private professional provider as provided in this  
1036 subsection. The permit applicant and the state ~~fire~~ safety marshal, the proper local ~~fire~~  
1037 safety marshal, state inspector, or designated code official may agree by mutual consent  
1038 to extend the time period prescribed by this paragraph for plan review if the  
1039 characteristics of the project warrant such an extension. However, if the state ~~fire~~  
1040 safety marshal, the proper local ~~fire~~ safety marshal, state inspector, or designated code  
1041 official states its intent to complete the required plan review within the time prescribed

1042 by this paragraph, or any extension thereof mutually agreed to by the applicant and the  
1043 state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector, or  
1044 designated code official and does not permit the applicant to use the services of a  
1045 private professional provider and the state ~~fire~~ safety marshal, the proper local ~~fire~~  
1046 safety marshal, state inspector, or designated code official fails to complete such plan  
1047 review in the time prescribed by this paragraph, or any extension thereof mutually  
1048 agreed to by the applicant and the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety  
1049 marshal, state inspector, or designated code official, the state ~~fire~~ safety marshal, the  
1050 proper local ~~fire~~ safety marshal, state inspector, or designated code official shall issue  
1051 the applicant a project initiation permit to allow the applicant to begin work on the  
1052 project, provided that portion of the initial phase of work is compliant with applicable  
1053 codes, laws, and rules. If a full permit is not issued for the portion requested for  
1054 permitting, then the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1055 inspector, or designated code official shall have an additional 20 business days to  
1056 complete the review and issue the full permit. If the plans submitted for permitting are  
1057 denied for any deficiency, the time frames and process for resubmittal shall be  
1058 governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

1059 (C) Any plan review or inspection conducted by a private professional provider shall  
1060 be no less extensive than plan reviews or inspections conducted by state, county, or  
1061 municipal personnel responsible for review of plans for compliance with the state's  
1062 minimum fire safety standards and, where applicable, the state's minimum accessibility  
1063 standards.

1064 (D) The person, firm, or corporation retaining a private professional provider to  
1065 conduct a plan review shall be required to pay to the state ~~fire~~ safety marshal, the proper  
1066 local ~~fire~~ safety marshal, state inspector, or designated code official which requires the  
1067 plan review the same regulatory fees and charges which would have been required had  
1068 the plan review been conducted by the state ~~fire~~ safety marshal, the proper local ~~fire~~  
1069 safety marshal, state inspector, or designated code official.

1070 (E) A private professional provider performing plan reviews under this subsection shall  
1071 review construction plans to determine compliance with the state's minimum fire safety  
1072 standards in effect which were adopted pursuant to this chapter and, where applicable,  
1073 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.  
1074 Upon determining that the plans reviewed comply with the applicable codes and  
1075 standards as adopted, such private professional provider shall prepare an affidavit or  
1076 affidavits on a form prescribed by the Safety ~~Fire~~ Commissioner certifying under oath  
1077 that the following is true and correct to the best of such private professional provider's

1078 knowledge and belief and in accordance with the applicable professional standard of  
1079 care:

1080 (i) The plans were reviewed by the affiant who is duly authorized to perform plan  
1081 review pursuant to this subsection and who holds the appropriate license or  
1082 certifications and insurance coverage and insurance coverage stipulated in this  
1083 subsection; and

1084 (ii) The plans comply with the state's minimum fire safety standards in effect which  
1085 were adopted pursuant to this chapter and, where applicable, the state's minimum  
1086 accessibility standards adopted pursuant to Chapter 3 of Title 30.

1087 (F) All private professional providers providing plan review services pursuant to this  
1088 subsection shall secure and maintain insurance coverage for professional liability  
1089 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1  
1090 million per claim and \$1 million in aggregate coverage. Such insurance may be a  
1091 practice policy or project-specific coverage. If the insurance is a practice policy, it shall  
1092 contain prior acts coverage for the private professional provider. If the insurance is  
1093 project-specific, it shall continue in effect for two years following the issuance of the  
1094 certificate of final completion for the project. The state ~~fire~~ safety marshal, the proper  
1095 local ~~fire~~ safety marshal, state inspector, or designated code official may establish, for  
1096 private professional providers working within their respective jurisdictions specified  
1097 by this chapter, a system of registration listing the private professional providers within  
1098 their areas of competency and verifying compliance with the insurance requirements  
1099 of this subsection.

1100 (G) The private professional provider shall be empowered to perform any plan review  
1101 required by the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1102 inspector, or designated code official, regardless if the plan review is required by this  
1103 subsection or by local county or municipal ordinance, provided that the plan review is  
1104 within the scope of such private professional provider's area of expertise and  
1105 competency. This subsection shall not apply to hospitals, ambulatory health care  
1106 centers, nursing homes, jails, penal institutions, airports, buildings or structures that  
1107 impact national or state homeland security, or any building defined as a high-rise  
1108 building in the State Minimum Standards Code, provided that interior tenant build-out  
1109 projects within high-rise buildings are not exempt from this subsection, or plans related  
1110 to Code Section ~~25-2-16~~ 25-2A-12 or ~~25-2-17~~ 25-2A-13 or Chapter 8, 9, or 10 of this  
1111 title.

1112 (H)(i) The permit applicant shall submit a copy of the private professional provider's  
1113 plan review report to the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal,

1114 state inspector, or designated code official. Such plan review report shall include at  
1115 a minimum all of the following:

1116 (I) The affidavit of the private professional provider required pursuant to this  
1117 subsection;

1118 (II) The applicable fees required for permitting;

1119 (III) Other documents deemed necessary due to unusual construction or design,  
1120 smoke removal systems where applicable with engineering analysis, and additional  
1121 documentation required where performance based code options are used; and

1122 (IV) Any documents required by the state ~~fire~~ safety marshal, the proper local ~~fire~~  
1123 safety marshal, state inspector, or designated code official to determine that the  
1124 permit applicant has secured all other governmental approvals required by law.

1125 (ii) No more than 30 business days after receipt of a permit application and the  
1126 private professional provider's plan review report required pursuant to this subsection,  
1127 the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector, or  
1128 designated code official shall issue the requested permit or provide written notice to  
1129 the permit applicant identifying the specific plan features that do not comply with the  
1130 applicable codes or standards, as well as the specific reference to the relevant  
1131 requirements. If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal,  
1132 state inspector, or designated code official does not provide a written notice of the  
1133 plan deficiencies within the prescribed 30 day period, the permit application shall be  
1134 deemed approved as a matter of law and the permit shall be issued by the state ~~fire~~  
1135 safety marshal, the proper local ~~fire~~ safety marshal, state inspector, or designated code  
1136 official on the next business day.

1137 (iii) If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1138 inspector, or designated code official provides a written notice of plan deficiencies to  
1139 the permit applicant within the prescribed 30 day period, the 30 day period shall be  
1140 tolled pending resolution of the matter. To resolve the plan deficiencies, the permit  
1141 applicant may elect to dispute the deficiencies pursuant to this chapter, the  
1142 promulgated rules and regulations adopted thereunder, or, where appropriate for  
1143 existing buildings, the local governing authority's appeals process or the permit  
1144 applicant may submit revisions to correct the deficiencies.

1145 (iv) If the permit applicant submits revisions, the state ~~fire~~ safety marshal, the proper  
1146 local ~~fire~~ safety marshal, state inspector, or designated code official shall have the  
1147 remainder of the tolled 30 day period plus an additional five business days to issue the  
1148 requested permit or to provide a second written notice to the permit applicant stating  
1149 which of the previously identified plan features remain in noncompliance with the  
1150 applicable codes or standards, with specific reference to the relevant requirements.

1151 If the state fire safety marshal, the proper local fire safety marshal, state inspector, or  
1152 designated code official does not provide the second written notice within the  
1153 prescribed time period, the permit shall be issued by the state fire safety marshal, the  
1154 proper local fire safety marshal, state inspector, or designated code official on the next  
1155 business day.

1156 (v) If the state fire safety marshal, the proper local fire safety marshal, state inspector,  
1157 or designated code official provides a second written notice of plan deficiencies to the  
1158 permit applicant within the prescribed time period, the permit applicant may elect to  
1159 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated  
1160 thereunder, or, where applicable for existing buildings, the local governing authority's  
1161 appeals process or the permit applicant may submit additional revisions to correct the  
1162 deficiencies. For all revisions submitted after the first revision, the state fire safety  
1163 marshal, the proper local fire safety marshal, state inspector, or designated code  
1164 official shall have an additional five business days to issue the requested permit or to  
1165 provide a written notice to the permit applicant stating which of the previously  
1166 identified plan features remain in noncompliance with the applicable codes or  
1167 standards, with specific reference to the relevant requirements.

1168 (I) The state fire safety marshal may provide for the prequalification of private  
1169 professional providers who may perform plan reviews pursuant to this subsection by  
1170 rule or regulation authorized in Code Section 25-2-4. In addition, any local fire safety  
1171 marshal, state inspector, or designated code official may provide for the prequalification  
1172 of private professional providers who may perform plan reviews pursuant to this  
1173 subsection; however, no additional local ordinance implementing prequalification shall  
1174 become effective until notice of the proper local fire safety marshal, state inspector, or  
1175 designated code official's intent to require prequalification and the specific  
1176 requirements for prequalification have been advertised in the newspaper in which the  
1177 sheriff's advertisements for that locality are published. The ordinance implementing  
1178 prequalification shall provide for evaluation of the qualifications of a private  
1179 professional provider only on the basis of the private professional provider's expertise  
1180 with respect to the objectives of this subsection, as demonstrated by the private  
1181 professional provider's experience, education, and training. Such ordinance may  
1182 require a private professional provider to hold additional certifications, provided that  
1183 such certifications are required by ordinance or state law for plan review personnel  
1184 currently directly employed by such local governing authority.

1185 (J) Nothing in this subsection shall be construed to limit any public or private right of  
1186 action designed to provide protection, rights, or remedies for consumers.

1187 (K) If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector,  
1188 or designated code official determines that the building construction or plans do not  
1189 comply with the applicable codes or standards, the state ~~fire~~ safety marshal, the proper  
1190 local ~~fire~~ safety marshal, state inspector, or designated code official may deny the  
1191 permit or request for a certificate of occupancy or certificate of completion, as  
1192 appropriate, or may issue a stop-work order for the project or any portion thereof as  
1193 provided by law or rule or regulation, after giving notice and opportunity to remedy the  
1194 violation, if the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state  
1195 inspector, or designated code official determines that noncompliance exists with state  
1196 laws, adopted codes or standards, or local ordinances, provided that:

1197 (i) The state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector,  
1198 or designated code official shall be available to meet with the private professional  
1199 provider within two business days to resolve any dispute after issuing a stop-work  
1200 order or providing notice to the applicant denying a permit or request for a certificate  
1201 of occupancy or certificate of completion; and

1202 (ii) If the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector,  
1203 or designated code official and the private professional provider are unable to resolve  
1204 the dispute, the matter shall be referred to the local enforcement agency's board of  
1205 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed  
1206 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or  
1207 any existing building under the specific jurisdiction of the state ~~fire~~ safety marshal's  
1208 office shall be made to the state ~~fire~~ safety marshal and further appeal shall be under  
1209 Code Section 25-2-10.

1210 (L) The state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, state inspector,  
1211 local government, designated code official enforcement personnel, or agents of the  
1212 governing authority shall be immune from liability to any person or party for any action  
1213 or inaction by an owner of a building or by a private professional provider or its duly  
1214 authorized representative in connection with building plan review services by private  
1215 professional providers as provided in this subsection.

1216 (M) Except as provided in this paragraph, no proper local ~~fire~~ safety marshal, state  
1217 inspector, or designated code official shall adopt or enforce any rules, procedures,  
1218 policies, or standards more stringent than those prescribed in this subsection related to  
1219 private professional provider services.

1220 (N) Nothing in this subsection shall limit the authority of the state ~~fire~~ safety marshal,  
1221 the proper local ~~fire~~ safety marshal, state inspector, or designated code official to issue  
1222 a stop-work order for a building project or any portion of such project, as provided by  
1223 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice

1224 and opportunity to remedy the violation, if the official determines that a condition on  
1225 the building site constitutes an immediate threat to public safety and welfare.

1226 (O) When performing building code plan reviews related to determining compliance  
1227 with the Georgia State Minimum Standard Codes most recently adopted by the  
1228 Department of Community Affairs, the state's minimum fire safety standards adopted  
1229 by the ~~fire~~ safety marshal, or the state's minimum accessibility standards pursuant  
1230 to Chapter 3 of Title 30, a private professional provider is subject to the disciplinary  
1231 guidelines of the applicable professional licensing board with jurisdiction over such  
1232 private professional provider's license or certification under Chapters 4 and 15 of  
1233 Title 43, as applicable. Any complaint processing, investigation, and discipline that  
1234 arise out of a private professional provider's performance of the adopted building, fire  
1235 safety, or accessibility codes or standards plan review services shall be conducted by  
1236 the applicable professional licensing board or as allowed by state rule or regulation.  
1237 Notwithstanding any disciplinary rules of the applicable professional licensing board  
1238 with jurisdiction over such private professional provider's license or certification under  
1239 Chapters 4 and 15 of Title 43, the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety  
1240 marshal, state inspector, or designated code official enforcement personnel may decline  
1241 to accept building plan reviews submitted by any private professional provider who has  
1242 submitted multiple reports which required revisions due to negligence, noncompliance,  
1243 or deficiencies.

1244 (b) A complete set of approved plans and specifications shall be maintained on the  
1245 construction site, and construction shall proceed in compliance with the minimum fire  
1246 safety standards under which such plans and specifications were approved. The owner of  
1247 any such building or structure or his authorized representative shall notify the state ~~fire~~  
1248 safety marshal, the proper local ~~fire~~ safety marshal, or state inspector upon completion of  
1249 approximately 80 percent of the construction thereof and shall apply for a certificate of  
1250 occupancy when construction of such building or structure is completed.

1251 (c) Every building or structure which comes under classification in paragraph (1) of  
1252 subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
1253 office of the Commissioner pursuant to Code Section 25-2-12 shall have a certificate of  
1254 occupancy issued by the state ~~fire~~ safety marshal, the proper local ~~fire~~ safety marshal, or  
1255 the state inspector before such building or structure may be occupied. Such certificates of  
1256 occupancy shall be issued for each business establishment within the building, shall carry  
1257 a charge in the amount provided in Code Section 25-2-4.1, shall state the occupant load for  
1258 such business establishment or building, shall be posted in a prominent location within  
1259 such business establishment or building, and shall run for the life of the building, except  
1260 as provided in subsection (d) of this Code section.

1261 (d) For purposes of this chapter, any existing building or structure listed in paragraph (1)  
 1262 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
 1263 office of the Commissioner pursuant to Code Section 25-2-12 shall be deemed to be a  
 1264 proposed building in the event such building or structure is subject to substantial  
 1265 renovation, a fire or other hazard of serious consequence, or a change in the classification  
 1266 of occupancy. For purposes of this subsection, the term 'substantial renovation' means any  
 1267 construction project involving exits or internal features of such building or structure costing  
 1268 more than the building's or structure's assessed value according to county tax records at the  
 1269 time of such renovation.

1270 (e) In cases where the governing authority of a municipality which is enforcing the fire  
 1271 safety standards pursuant to subsection (a) of Code Section 25-2-12 contracts with the  
 1272 office of the Commissioner for the enforcement of fire safety standards, the office of the  
 1273 Commissioner shall not charge such municipality fees in excess of those charged in this  
 1274 Code section.

1275 25-2-14.1.

1276 (a) Every building and structure existing as of April 1, 1968, which building or structure  
 1277 is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the  
 1278 minimum fire safety standards adopted in the rules and regulations promulgated pursuant  
 1279 to this chapter which were in effect at the time such building or structure was constructed,  
 1280 except that any nonconformance noted under the electrical standards adopted at the time  
 1281 such building or structure was constructed shall be corrected in accordance with the current  
 1282 electrical standards adopted pursuant to this chapter. A less restrictive provision contained  
 1283 in any subsequently adopted minimum fire safety standard may be applied to any existing  
 1284 building or structure.

1285 (b) Every proposed building and structure listed in paragraph (1) of subsection (b) of Code  
 1286 Section 25-2-13 shall comply with the adopted minimum fire safety standards that were in  
 1287 effect on the date that plans and specifications therefor were received by the state fire  
 1288 safety marshal, the proper local fire safety marshal, or state inspector for review and  
 1289 approval.

1290 25-2-15.

1291 In existing buildings which come under the classification in paragraph (1) of subsection (b)  
 1292 of Code Section 25-2-13, when substandard conditions are found, a temporary occupancy  
 1293 permit may be issued, such permit carrying a time limit adjusted to meet the amount of  
 1294 time deemed necessary to make the proper corrections in order to bring the building up to  
 1295 standard. All certificates of occupancy shall be issued against the building and shall not

1296 require renewal because of change of ownership. The same set of fees for certificates of  
 1297 occupancy as are applicable to proposed buildings covered in Code Section 25-2-14 shall  
 1298 apply. The Commissioner and his delegated authorities shall determine the time limit for  
 1299 complying with any of the standards established pursuant to this chapter.

1300 25-2-16.

1301 ~~(a) Some substances constitute a special hazard to property and to the life and safety of~~  
 1302 ~~persons because of certain characteristics and properties incident to their storage, handling,~~  
 1303 ~~and transportation. Substances presenting such a special hazard include gasoline,~~  
 1304 ~~kerosene, and other flammable liquids; liquefied petroleum gases; welding and other gases;~~  
 1305 ~~dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly~~  
 1306 ~~flammable or hazardous nature.~~

1307 ~~(b) Every person who stores, transports, or handles any of the hazardous substances listed~~  
 1308 ~~in subsection (a) of this Code section shall so store, transport, and handle the substances~~  
 1309 ~~as to afford every precaution and protection as may be found by the Commissioner to be~~  
 1310 ~~reasonable and practical to avoid injury to persons from exposure, fire, or explosion caused~~  
 1311 ~~by the storage, transportation, or handling of these substances, including transportation~~  
 1312 ~~thereof only in vehicles which are in proper condition for that purpose.~~

1313 ~~(c) The Commissioner is directed to investigate the nature and properties of such~~  
 1314 ~~hazardous substances and the known precautionary and protective techniques for their~~  
 1315 ~~storage, transportation, and handling, including, but not limited to, the codes and standards~~  
 1316 ~~adopted, recommended, or issued by the National Fire Protection Association and the~~  
 1317 ~~Agricultural Nitrogen Institute. Based upon the investigation, the Commissioner is~~  
 1318 ~~authorized to determine and by rule to provide what precautionary and protective~~  
 1319 ~~techniques are reasonable and practical measures for the prevention of injury to persons~~  
 1320 ~~and property from the storage, transportation, and handling of such highly flammable or~~  
 1321 ~~hazardous substances. Such authorization shall include the power to provide, by rule, the~~  
 1322 ~~minimum standards that a vehicle shall meet before it is considered to be in proper~~  
 1323 ~~condition to transport the material. No person shall transport any such material or~~  
 1324 ~~substance in bulk unless the vehicle in which it is transported is in the proper condition, as~~  
 1325 ~~provided by such rules, to transport the material with reasonable safety.~~

1326 ~~(d)(1) As used in this subsection, the term:~~

1327 ~~(A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which~~  
 1328 ~~contains a valve which automatically shuts off the flow of gasoline or diesel fuel~~  
 1329 ~~through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a~~  
 1330 ~~certain level.~~

1331 ~~(B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump~~  
 1332 ~~nozzle, which device mechanically holds the nozzle and valve in an open position.~~

1333 ~~(C) 'Self-service station' means any place of business which sells gasoline or diesel fuel~~  
 1334 ~~at retail and which allows customers to dispense the fuel.~~

1335 ~~(2) No self-service station shall be prohibited from installing and no customer at such~~  
 1336 ~~station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps~~  
 1337 ~~available for operation by the customer. However, if hold-open latches are used on~~  
 1338 ~~pumps operated by the customer, such pumps shall be equipped with a functioning~~  
 1339 ~~automatic-closing device.~~

1340 ~~(e) Plans and specifications for all proposed bulk storage facilities which come under~~  
 1341 ~~classification in subsection (a) of this Code section shall be submitted to and receive~~  
 1342 ~~approval by the state fire marshal and the proper local fire marshal before construction is~~  
 1343 ~~started. All such plans and specifications submitted as required by this subsection shall be~~  
 1344 ~~accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration~~  
 1345 ~~number of the drafting architect or engineer or shall otherwise have the approval of the~~  
 1346 ~~Commissioner Reserved.~~

1347 25-2-17.

1348 ~~(a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical~~  
 1349 ~~compound or mechanical mixture which is commonly used or intended for the purpose of~~  
 1350 ~~producing an explosion, which compound or mixture contains any oxidizing and~~  
 1351 ~~combustible units or other ingredients in such proportions, quantities, or packing that an~~  
 1352 ~~ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of~~  
 1353 ~~the compound or mixture may cause such a sudden generation of highly heated gases that~~  
 1354 ~~the resultant gaseous pressures are capable of producing destructive effects on contiguous~~  
 1355 ~~objects or of destroying life or limb. Explosives constitute a special hazard to life and~~  
 1356 ~~safety of persons because of the danger incident to their manufacture, transportation, use,~~  
 1357 ~~sale, and storage.~~

1358 ~~(b) Every person who manufactures, transports, uses, sells, or stores explosives shall so~~  
 1359 ~~manufacture, transport, use, sell, and store them as to afford every precaution and~~  
 1360 ~~protection against injury to persons as the Commissioner may determine and by rule~~  
 1361 ~~declare to be reasonable and practical; provided, however, that nothing contained in this~~  
 1362 ~~Code section shall be construed to extend to storage, use, or sale of small arms~~  
 1363 ~~ammunition.~~

1364 ~~(c) The Commissioner is directed to investigate and examine the nature and properties of~~  
 1365 ~~various explosives and known safety and protective techniques, including the safety~~  
 1366 ~~standards, recommendations, and codes of the National Fire Protection Association~~

1367 ~~(Explosives Ordinance, National Fire Code), and the American Insurance Association, the~~  
 1368 ~~successor to the National Board of Fire Underwriters. Based upon the investigation, the~~  
 1369 ~~Commissioner is authorized to determine and by rule to provide what reasonable and~~  
 1370 ~~practical protection must be afforded persons with respect to the manufacture,~~  
 1371 ~~transportation, use, sale, and storage of explosives.~~

1372 ~~(d) No person shall manufacture, transport, use, sell, or store explosives without having~~  
 1373 ~~first obtained a license therefor issued by the Commissioner in accordance with reasonable~~  
 1374 ~~rules established by him. The Commissioner is authorized to make reasonable rules~~  
 1375 ~~providing for the issuance of such licenses on an annual basis to those applicants who have~~  
 1376 ~~observed and may be expected to observe safety rules lawfully made under this Code~~  
 1377 ~~section. Graded fees for such licenses shall be as provided in Code Section 25-2-4.1. The~~  
 1378 ~~permits for the use only of explosives may be issued by judges of the probate courts or~~  
 1379 ~~other local elected officials whom the Commissioner may designate. Fees for such permits~~  
 1380 ~~to use explosives shall be \$2.00 for each permit issued, which fee shall be retained by the~~  
 1381 ~~issuing local official.~~

1382 ~~(e) Every person licensed under this Code section who suffers a larceny or attempted~~  
 1383 ~~larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof~~  
 1384 ~~to local law enforcement agencies and to the state fire marshal, in accordance with rules~~  
 1385 ~~made by the Commissioner. The Commissioner is authorized to make such rules Reserved.~~

1386 25-2-18.

1387 All federal, state, county, or city publicly owned buildings covered by this chapter are  
 1388 exempt from any fee or license which may be specified in this chapter. Such fees or  
 1389 licenses may be waived where chargeable to churches and charitable organizations.

1390 25-2-19.

1391 The Commissioner shall promulgate reasonable rules and regulations governing and  
 1392 regulating fire hazards in hotels, apartment houses, department stores, warehouses, storage  
 1393 places, and places of public assembly.

1394 25-2-20.

1395 All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention  
 1396 regulatory license from the state fire safety marshal based upon compliance with this  
 1397 chapter, as set forth in rules and regulations promulgated by the Commissioner. The fee  
 1398 for the license shall be \$150.00 for each calendar year or part thereof, payable to the state  
 1399 fire safety marshal, who shall pay the same into the state treasury.

1400 25-2-22.

1401 ~~(a) The Commissioner and the various officials delegated by him to carry out this chapter~~  
 1402 ~~shall have the authority at all times of the day and night to enter in or upon and to examine~~  
 1403 ~~any building or premises where a fire is in progress or has occurred, as well as other~~  
 1404 ~~buildings or premises adjacent to or near the same.~~ The Commissioner and his delegated  
 1405 authorities shall have the right to enter in and upon all buildings and premises subject to  
 1406 this chapter, at any reasonable time, for the purpose of examination or inspection.

1407 (b) Upon complaint submitted in writing, the Commissioner and the various officials to  
 1408 whom enforcement authority is delegated under this chapter may enter in or upon any  
 1409 building or premises between the hours of sunrise and sunset for the purpose of  
 1410 investigating the complaint. Upon the complaint of any person, the state ~~fire~~ safety  
 1411 marshal or his deputized officials may inspect or cause to be inspected all buildings and  
 1412 premises within their jurisdiction whenever he or they deem it necessary.

1413 25-2-22.1.

1414 (a) The Commissioner, his delegate, or any other person authorized under this title to  
 1415 conduct inspections of property, in addition to other procedures now or hereafter provided,  
 1416 may obtain an inspection warrant under the conditions specified in this Code section. Such  
 1417 warrant shall authorize the Commissioner or his delegate or such authorized person to  
 1418 conduct a search or inspection of property either with or without the consent of the person  
 1419 whose property is to be searched or inspected if such search or inspection is one that is  
 1420 elsewhere authorized under this title or the rules and regulations duly promulgated  
 1421 hereunder.

1422 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or  
 1423 magistrate court upon proper oath or affirmation showing probable cause for the purpose  
 1424 of conducting inspections authorized by this title or rules promulgated under this title and  
 1425 for the seizure of property or the taking of samples appropriate to the inspection. For the  
 1426 purposes of issuance of inspection warrants, probable cause exists upon showing a valid  
 1427 public interest in the effective enforcement of this title or rules promulgated under this title  
 1428 sufficient to justify inspection of the area, premise, building, or conveyance in the  
 1429 circumstances specified in the application for the warrant.

1430 (c) A warrant shall be issued only upon affidavit of the Commissioner or his designee or  
 1431 any person authorized to conduct inspections pursuant to this title, sworn to before the  
 1432 judicial officer and establishing the grounds for issuing the warrant. The issuing judge may  
 1433 issue the warrant when he is satisfied that the following conditions are met:

1434 (1) The one seeking the warrant must establish under oath or affirmation that the  
 1435 property to be inspected is to be inspected as a part of a legally authorized program of

1436 inspection which includes that property or that there is probable cause for believing that  
1437 there is a condition, object, activity, or circumstance which legally justifies such an  
1438 inspection of that property; and

1439 (2) The issuing judge determines that the issuance of the warrant is authorized by this  
1440 Code section.

1441 (d) The warrant shall:

1442 (1) State the grounds for its issuance and the name of each person whose affidavit has  
1443 been taken in support thereof;

1444 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

1445 (3) Command the persons to whom it is directed to inspect the area, premise, building,  
1446 or conveyance identified for the purpose specified and, if appropriate, direct the seizure  
1447 of the property specified;

1448 (4) Identify the item or types of property to be seized, if any; and

1449 (5) Designate the judicial officer to whom it shall be returned.

1450 (e) A warrant issued pursuant to this Code section must be executed and returned within  
1451 ten days of its date of issuance unless, upon a showing of a need for additional time, the  
1452 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided  
1453 upon request to the person from whom or from whose premises the property is taken,  
1454 together with a receipt for the property taken. The return of the warrant shall be made  
1455 promptly, accompanied by a written inventory of any property taken. A copy of the  
1456 inventory shall be delivered upon request to the person from whom or from whose  
1457 premises the property was taken and to the applicant for the warrant.

1458 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return  
1459 and all papers returnable in connection therewith and file them with the clerk of the  
1460 superior court for the county in which the inspection was made.

1461 25-2-23.

1462 When any of the officers listed in Code Section 25-2-22 finds any building or other  
1463 structure which, for want of repair or by reason of age or dilapidated condition or any other  
1464 cause is especially liable to fire hazard or which is so situated as to endanger other property  
1465 or the safety of the public, or when, in or around any building, such officer finds  
1466 combustible or explosive matter, inflammables, or other conditions dangerous to the safety  
1467 of the building, notice may be given to the owner or agent and occupant of the building to  
1468 correct such unsafe conditions as may be found.

1469 25-2-24.

1470 If any owner, agent, or occupant fails to comply with the notice prescribed in Code  
 1471 Section 25-2-23 within the time specified in the notice, the state fire safety marshal or his  
 1472 delegated officials, with the approval of the Commissioner, may petition the court for a rule  
 1473 nisi to show cause why an order should not be issued by the court that the same be removed  
 1474 or remedied. Such court order shall forthwith be complied with by the owner or occupant  
 1475 of the premises or building within such time as may be fixed in the court order.

1476 25-2-25.

1477 If any person fails to comply with the order of the court made pursuant to Code  
 1478 Section 25-2-24 within the time fixed, the city or county in which the building or premises  
 1479 in question are located shall cause the building or premises to be forthwith repaired, torn  
 1480 down, or demolished, ~~the hazardous materials removed,~~ or the dangerous conditions  
 1481 remedied, as the case may be, at the expense of the city or county in which the property is  
 1482 situated. If the owner thereof, within 30 days after notice in writing of the amount of such  
 1483 expense, fails, neglects, or refuses to repay the city or county the expense thereby incurred,  
 1484 the local authorities shall issue a fi. fa. against the owner of the property for the expense  
 1485 actually incurred.

1486 25-2-26.

1487 Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for  
 1488 ordering the carrying out and enforcement of such Code sections shall be by order of the  
 1489 court and not by the Commissioner or his delegated authority.

1490 25-2-27.

1491 ~~The state fire marshal or his deputy, when in his opinion such proceedings are necessary,~~  
 1492 ~~shall take the testimony on oath of all persons believed to be cognizant of or to have~~  
 1493 ~~information or knowledge in relation to suspected arson and shall cause the testimony to~~  
 1494 ~~be reduced to writing. If he is of the opinion that there is evidence sufficient to charge any~~  
 1495 ~~person with the crime of arson, he shall cause such person to be arrested in accordance with~~  
 1496 ~~the law. He shall also furnish the district attorney of the circuit in which the fire occurred~~  
 1497 ~~with all the information obtained by him in his investigation. The district attorney shall~~  
 1498 ~~thereupon proceed according to law~~ Reserved.

1499 25-2-28.

1500 ~~(a) The state fire marshal or the deputy state fire marshal shall have the power to summon~~  
 1501 ~~and compel the attendance of witnesses before either or both of them, in any county in~~

1502 ~~which the witness resides, to testify in relation to any matter which is designated by Code~~  
 1503 ~~Section 25-2-27 as a subject of inquiry and to issue subpoenas to compel the production~~  
 1504 ~~of all books, records, documents, and papers pertaining to such subject of inquiry. The state~~  
 1505 ~~fire marshal and deputy state fire marshal may also administer oaths and affirmations to~~  
 1506 ~~persons appearing as witnesses before them. Any person summoned shall have the right of~~  
 1507 ~~counsel at the hearing if he desires.~~

1508 ~~(b) Should any person fail to comply with this Code section, the state fire marshal or his~~  
 1509 ~~agent is authorized to procure an order from the superior court of the county in which the~~  
 1510 ~~proposed witness resides, requiring compliance under the law Reserved.~~

1511 25-2-29.

1512 All hearings held by or under the direction of the Commissioner shall be conducted in  
 1513 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and  
 1514 the Commissioner may also satisfy the procedure for conduct of hearings on contested  
 1515 cases and rule making required under said chapter by following and complying with  
 1516 Chapter 2 of Title 33.

1517 25-2-30.

1518 It shall be the duty of the state fire safety marshal to contact individuals, associations, and  
 1519 state agencies, both within and outside this state, which have a direct interest in the  
 1520 fundamentals of fire prevention and life safety, for the purpose of promoting the objectives  
 1521 of this chapter.

1522 25-2-31.

1523 (a) The state safety marshal shall coordinate with the state fire marshal ~~may~~ to promote  
 1524 any plan or program which tends to disseminate information on fire prevention and similar  
 1525 projects and may aid any association or group of individuals which is primarily organized  
 1526 along such lines.

1527 (b) It shall be the duty of the state safety marshal and the state fire marshal to carry on a  
 1528 state-wide program of fire prevention education in the schools of this state and to establish  
 1529 fire drills therein. All local school authorities are required to cooperate with the state safety  
 1530 marshal and the state fire marshal in carrying out programs designed to protect the lives of  
 1531 school children from fire and related hazards.

1532 25-2-32.

1533 (a) It shall be the duty of the state fire safety marshal to keep an up-to-date record of all  
 1534 fire losses, together with statistical data concerning the same. The various fire insurance

1535 companies doing business in this state shall submit to the Commissioner, quarterly, a report  
 1536 stating all the losses sustained by them, together with such pertinent data as may be  
 1537 required by the Commissioner.

1538 (b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall  
 1539 be reported to the office of the ~~Safety Fire~~ Commissioner. Every fire department shall  
 1540 submit incident data either via a uniform electronic reporting method or on a uniform  
 1541 reporting form prescribed by the Commissioner and at intervals established by the  
 1542 Commissioner.

1543 25-2-32.1.

1544 Every case of a burn injury or wound where the victim sustained second-degree or  
 1545 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory  
 1546 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn  
 1547 injury or wound which is likely to or may result in death, shall be reported at once to the  
 1548 ~~Safety Fire Division~~ of the office of the Commissioner of Insurance. The ~~Safety Fire~~  
 1549 ~~Division~~ Commissioner shall accept the report and notify the proper investigatory agency  
 1550 as may be appropriate and the state fire marshal. A written report shall be provided to the  
 1551 ~~Safety Fire Division~~ Commissioner within 72 hours. The report shall be made by the  
 1552 physician attending or treating the case or by the manager, superintendent, or other person  
 1553 in charge whenever such case is treated in a hospital sanitarium, institution, or other  
 1554 medical facility.

1555 25-2-32.2.

1556 ~~Every county or municipal governing authority or any two or more governing authorities~~  
 1557 ~~or the Safety Fire Division are authorized and empowered to take such action as may be~~  
 1558 ~~required to formulate task forces, teams, or fire or police investigative units to investigate~~  
 1559 ~~any case of a burn injury or wound sustained as reported pursuant to Code~~  
 1560 ~~Section 25-2-32.1, to ascertain the cause of fires or explosions of suspicious origin within~~  
 1561 ~~the county or municipalities, to pursue necessary investigation thereof, and to assist in the~~  
 1562 ~~preparation and prosecution of cases stemming from any alleged criminal activity attendant~~  
 1563 ~~to such fires or explosions~~ Reserved.

1564 25-2-33.

1565 ~~(a) The state fire marshal, any deputy designated by the state fire marshal, the director of~~  
 1566 ~~the Georgia Bureau of Investigation or the chief of a fire department of any municipal~~  
 1567 ~~corporation or county where a fire department is established may request any insurance~~  
 1568 ~~company investigating a fire loss of real or personal property to release any information in~~

1569 ~~its possession relative to that loss. The company shall release the information to and~~  
1570 ~~cooperate with any official authorized to request such information pursuant to this Code~~  
1571 ~~section. The information to be released shall include, but is not limited to:~~

1572 ~~(1) Any insurance policy relevant to the fire loss under investigation and any application~~  
1573 ~~for such a policy;~~

1574 ~~(2) Policy premium payment records on the policy, to the extent available;~~

1575 ~~(3) Any history of previous claims made by the insured for fire loss with the reporting~~  
1576 ~~carrier; and~~

1577 ~~(4) Material relating to the investigation of the loss, including statements of any person,~~  
1578 ~~proof of loss, and any other relevant evidence.~~

1579 ~~(b) If an insurance company has reason to suspect that a fire loss to its insured's real or~~  
1580 ~~personal property was caused by incendiary means, the company shall notify the state fire~~  
1581 ~~marshal and furnish him with all relevant material acquired by the company during its~~  
1582 ~~investigation of the fire loss. The insurer shall also cooperate with and take such action as~~  
1583 ~~may be requested of it by the state fire marshal's office or by any law enforcement agency~~  
1584 ~~of competent jurisdiction. The company shall also permit any person to inspect its records~~  
1585 ~~pertaining to the policy and to the loss if the person is authorized to do so by law or by an~~  
1586 ~~appropriate order of a superior court of competent jurisdiction.~~

1587 ~~(c) In the absence of fraud or malice, no insurance company or person who furnishes~~  
1588 ~~information on its behalf shall be liable for damages in a civil action or subject to criminal~~  
1589 ~~prosecution for any oral or written statement made or any other action taken which is~~  
1590 ~~necessary to supply information required pursuant to this Code section.~~

1591 ~~(d) The officials and departmental and agency personnel receiving any information~~  
1592 ~~furnished pursuant to this Code section shall hold the information in confidence until such~~  
1593 ~~time as its release is required pursuant to a criminal or civil proceeding, provided that~~  
1594 ~~nothing contained in this Code section shall be deemed to prohibit representatives of the~~  
1595 ~~state fire marshal's office or other authorized law enforcement officials from discussing~~  
1596 ~~such matters with other agency or departmental personnel or with other law enforcement~~  
1597 ~~officials or from releasing or disclosing any such information during the conduct of their~~  
1598 ~~investigation, if the release or disclosure is necessary to enable them to conduct their~~  
1599 ~~investigation in an orderly and efficient manner; provided, further, that nothing contained~~  
1600 ~~in this Code section shall prohibit an insurance company which furnishes information to~~  
1601 ~~an authorized agency or agencies pursuant to this Code section from having the right to~~  
1602 ~~request relevant information and receive, within a reasonable time not to exceed 30 days,~~  
1603 ~~the information requested.~~

1604 ~~(e) Any official referred to in subsection (a) of this Code section may be required to testify~~  
1605 ~~as to any information in his possession regarding the fire loss of real or personal property~~

1606 in any civil action against an insurance company for the fire loss in which any person seeks  
 1607 recovery under a policy.

1608 ~~(f)(1) No person shall purposely refuse to release any information requested pursuant to  
 1609 subsection (a) of this Code section.~~

1610 ~~(2) No person shall purposely refuse to notify the state fire marshal of a fire loss required  
 1611 to be reported pursuant to subsection (b) of this Code section.~~

1612 ~~(3) No person shall purposely refuse to supply the state fire marshal with pertinent  
 1613 information required to be furnished pursuant to subsection (b) of this Code section.~~

1614 ~~(4) No person shall purposely fail to hold in confidence information required to be held  
 1615 in confidence by subsection (d) of this Code section.~~

1616 ~~(g) Any person willfully violating this Code section shall be guilty of a misdemeanor~~  
 1617 Reserved.

1618 ~~25-2-33.1.~~

1619 ~~(a) The fire department of each county and municipality and any other organized fire  
 1620 department operating within this state shall report every incident or suspected incident of  
 1621 arson to the local law enforcement agency, the state fire marshal, and every insurance  
 1622 company with a known pecuniary interest in the cause of the fire in which arson is involved  
 1623 or suspected to be involved. In any local jurisdiction where an organized fire department  
 1624 is not operating, the local law enforcement agency investigating a fire shall make the  
 1625 reports required by this Code section. Such reports shall be made on forms provided for  
 1626 that purpose by the state fire marshal.~~

1627 ~~(b) Any insurance company which has received a report of an incident or suspected  
 1628 incident of arson under subsection (a) of this Code section shall not pay any claim relating  
 1629 thereto prior to notifying in writing the state fire marshal and local fire department of the  
 1630 date the claim is to be paid.~~

1631 ~~25-2-34.~~

1632 The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of  
 1633 Investigation shall cooperate with the Commissioner and his or her deputies and inspectors  
 1634 whenever called upon by him or them in enforcing this chapter. They shall make available  
 1635 to the Commissioner or his or her deputies and inspectors such facilities as lie detectors,  
 1636 broadcasting facilities, and other aid and devices as requested.

1637 25-2-35.

1638 ~~The Commissioner is authorized to pay sheriffs and other peace officers reasonable fees~~  
1639 ~~for assistance given in assembling evidence as to the causes or criminal origin of fires and~~  
1640 ~~in apprehending persons guilty of arson~~ Reserved.

1641 25-2-36.

1642 In addition to the civil monetary penalty provided for in Code Section 25-2-37, the  
1643 Commissioner may bring a civil action to enjoin a violation of any provision of this chapter  
1644 or any rule, regulation, or order issued by the Commissioner under this chapter. In  
1645 particular, but not by way of limitation upon the authority granted in this Code section, the  
1646 Commissioner may bring an action to enjoin any construction found to be in contravention  
1647 of Code Section 25-2-13 or 25-2-14 or to obtain an order of court directing the immediate  
1648 evacuation and the secure closure of any structure which, by reason of violation of any  
1649 provision of this chapter or of any rule, regulation, or order issued by the Commissioner  
1650 under this chapter, is found to pose an immediate threat to the property, health, or lives of  
1651 the occupants of the structure. In order to avail himself of the remedies provided for in this  
1652 Code section, it shall not be necessary for the Commissioner to allege or to prove the  
1653 absence of an adequate remedy at law.

1654 25-2-37.

1655 (a) It shall be unlawful for any person to lock an exit door whether or not it is a required  
1656 exit unless such provisions are allowed by this chapter or by any rule, regulation, or order  
1657 issued by the Commissioner under this chapter.

1658 (b) It shall be unlawful for any person to begin construction on any proposed building or  
1659 structure which comes under the classification in paragraph (1) of subsection (b) of Code  
1660 Section 25-2-13 and which comes under the jurisdiction of the office of the Commissioner  
1661 of Insurance pursuant to Code Section 25-2-12 without first having plans approved in  
1662 accordance with Code Section 25-2-14.

1663 (c) Any person who violates this chapter or any rule, regulation, or order issued by the  
1664 Commissioner under this chapter shall be subject to a civil penalty imposed by the  
1665 Commissioner in accordance with the rules and regulations promulgated by the  
1666 Commissioner.

1667 (d) Any person who violates this chapter or any rule, regulation, or order issued by the  
1668 Commissioner under this chapter shall be subject to a civil penalty not to exceed \$1,000.00  
1669 for each day that the violation persists after such person is notified of the Commissioner's  
1670 intent to impose such penalty and of the right to a hearing with respect to same.

1671 (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to  
 1672 a fine of not more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more  
 1673 than \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than  
 1674 \$5,000.00 for a third or subsequent offense.

1675 25-2-38.

1676 Any person, firm, or corporation violating this chapter or failing or refusing to comply with  
 1677 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

1678 25-2-38.1.

1679 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign  
 1680 immunity of the state, or any officer or employee thereof, in carrying out the provisions of  
 1681 this chapter. No action shall be maintained against the state, any municipality, county, or  
 1682 any officer, elected officer or employees thereof, for damages sustained as a result of any  
 1683 fire or related hazard covered in this chapter by reason of any inspection or other action  
 1684 taken or not taken pursuant to this chapter.

1685 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee  
 1686 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,  
 1687 or use of such property.

1688 25-2-39.

1689 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,  
 1690 is remedial in nature, and shall be construed liberally.

1691 25-2-40.

1692 (a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after  
 1693 July 1, 1987, every new dwelling and every new dwelling unit within an apartment,  
 1694 house, condominium, and townhouse and every motel, hotel, and dormitory shall be  
 1695 provided with an approved listed smoke detector installed in accordance with the  
 1696 manufacturer's recommendations and listing.

1697 (2) On and after July 1, 1994, every dwelling and every dwelling unit within an  
 1698 apartment, house, condominium, and townhouse and every motel, hotel, and dormitory  
 1699 which was constructed prior to July 1, 1987, shall have installed an approved battery  
 1700 operated smoke detector which shall be maintained in good working order unless any  
 1701 such building is otherwise required to have a smoke detector system pursuant to Code  
 1702 Section 25-2-13.

1703 (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall  
1704 be provided with no less than an approved listed battery operated single station smoke  
1705 detector installed in accordance with their listing. Such detectors shall be maintained in  
1706 good working order by the operator of such nursing home. This paragraph shall not apply  
1707 to nursing homes equipped with automatic sprinkler systems.

1708 (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code  
1709 section, a smoke detector shall be mounted on the ceiling or wall at a point centrally  
1710 located in the corridor or area giving access to each group of rooms used for sleeping  
1711 purposes. Where the dwelling or dwelling unit contains more than one story, detectors are  
1712 required on each story including cellars and basements, but not including uninhabitable  
1713 attics; provided, however, that hotels and motels which are protected throughout by an  
1714 approved supervised automatic sprinkler system installed in accordance with the rules and  
1715 regulations of the Commissioner shall be exempt from the requirement to install smoke  
1716 detectors in interior corridors but shall be subject to all other applicable requirements  
1717 imposed under Code Section 25-2-13.

1718 (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection (a)  
1719 of this Code section with split levels, a smoke detector need be installed only on the upper  
1720 level, provided the lower level is less than one full story below the upper level, except that  
1721 if there is a door between levels then a detector is required on each level. Such detectors  
1722 shall be connected to a sounding device or other detector to provide an alarm which will  
1723 be audible in the sleeping areas.

1724 (d) Detectors shall be listed and meet the installation requirements of NFPA 72. In  
1725 addition, a one and one-half hour emergency power supply source is required on all  
1726 detection systems required by this chapter and permitted after April 1, 1992, except where  
1727 battery operated smoke detectors are allowed.

1728 (e) Any complete automatic fire alarm system using automatic smoke detectors shall be  
1729 installed in accordance with NFPA 72.

1730 (f)(1) The provisions of this Code section may be enforced by local building and fire  
1731 code officials in the case of residential buildings which are not covered by Code  
1732 Section 25-2-13; provided, however, that this Code section shall not establish a special  
1733 duty on said officials to inspect such residential facilities for compliance with this Code  
1734 section; provided, further, that inspections shall not be conducted for the purpose of  
1735 determining compliance with this Code section absent reasonable cause to suspect other  
1736 building or fire code violations. The jurisdiction enforcing this Code section shall retain  
1737 any fines collected pursuant to this subsection.

1738 (2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit,  
1739 or other facility, other than a nursing home, listed in subsection (a) of this Code section

1740 in good working order as required in this Code section shall be subject to a maximum fine  
1741 of \$25.00, provided that a warning shall be issued for a first violation.

1742 (3) Any operator of a nursing home who fails to install and maintain the smoke detectors  
1743 required under paragraph (3) of subsection (a) of this Code section shall be sanctioned  
1744 in accordance with Code Section 31-2-11.

1745 (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling  
1746 unit, or other facility listed in subsection (a) of this Code section in violation of this Code  
1747 section shall not be considered evidence of negligence, shall not be considered by the court  
1748 on any question of liability of any person, corporation, or insurer, shall not be any basis for  
1749 cancellation of coverage or increase in insurance rates, and shall not diminish any recovery  
1750 for damages arising out of the ownership, maintenance, or occupancy of such dwelling,  
1751 dwelling unit, or other facility listed in subsection (a) of this Code section.

1752 (h) The Safety Fire Commissioner is authorized and encouraged to inform the public  
1753 through public service announcements of the availability of a limited number of battery  
1754 operated smoke detectors which may be obtained by persons in need without charge from  
1755 the office of the Safety Fire Commissioner or local fire departments."

1756 **SECTION 13.**

1757 Said Title 25 is further amended by adding a new chapter to read as follows:

1758 "CHAPTER 2A

1759 25-2A-1.

1760 As used in this chapter, the term:

1761 (1) 'Board' means the Fire Safety Advisory Board.

1762 (2) 'Commissioner' means the commissioner of the Department of Fire Safety.

1763 (3) 'Department' means the Department of Fire Safety.

1764 25-2A-2.

1765 (a) There is created the Department of Fire Safety. The Department of Fire Safety shall  
1766 be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act';  
1767 provided, however, that the department shall be assigned for administrative purposes only  
1768 to the Department of Public Safety.

1769 (b) There is created the office of commissioner of the Department of Fire Safety. The  
1770 commissioner of the Department of Fire Safety shall be appointed by the Governor and  
1771 serve at the pleasure of the Governor. Any person appointed to serve as commissioner of

1772 the Department of Fire Safety shall have a minimum of ten years' experience as a fire  
1773 safety professional.

1774 25-2A-3.

1775 The commissioner is charged with the duties and chief responsibility for the enforcement  
1776 of this chapter. He or she may, consistent with this chapter, delegate to the officers and  
1777 employees appointed under this chapter such duties and powers as in his or her discretion  
1778 he or she shall deem necessary or advisable for the proper enforcement of this chapter and  
1779 shall have full supervision and control over such officers and employees in the performance  
1780 of their duties or in the exercise of any powers granted to such officers and employees by  
1781 him or her or by this chapter. The commissioner shall be the final authority in all matters  
1782 relating to the interpretation and enforcement of this chapter, except insofar as his or her  
1783 orders may be reversed or modified by the courts.

1784 25-2A-4.

1785 The commissioner shall adopt such rules and regulations as he or she deems necessary to  
1786 promote the enforcement of this chapter. Such rules and regulations shall have the force  
1787 and effect of law and shall have state-wide application.

1788 25-2A-5.

1789 (a) The commissioner is authorized to assess and collect, and persons so assessed shall pay  
1790 in advance to the commissioner, fees and charges under this chapter as follows:

1791	<u>(1) New anhydrous ammonia permit for storage in bulk (more than</u>	
1792	<u>2,000 gallons aggregate capacity) for sale or distribution one-time</u>	
1793	<u>fee .....</u>	<u>\$ 150.00</u>
1794	<u>(2) Annual license for manufacture of explosives other than</u>	
1795	<u>fireworks .....</u>	<u>150.00</u>
1796	<u>(3) Annual license for manufacture, storage, or transport of</u>	
1797	<u>fireworks .....</u>	<u>1,500.00</u>
1798	<u>(4) Liquefied petroleum gas storage license:</u>	
1799	<u>(A) 2,000 gallons or less .....</u>	<u>150.00</u>
1800	<u>(B) More than 2,000 gallons .....</u>	<u>600.00</u>
1801	<u>(5) Purchase, storage, sale, transport, or use of explosives other</u>	
1802	<u>than fireworks:</u>	
1803	<u>(A) 500 pounds or less .....</u>	<u>75.00</u>

1804	<u>(B) More than 500 pounds . . . . .</u>	<u>150.00</u>
1805	<u>(6) New self-service gasoline station permit one-time fee . . . . .</u>	<u>150.00</u>
1806	<u>(7) New permit to dispense compressed natural gas (CNG) for</u>	
1807	<u>vehicular fuel one-time fee . . . . .</u>	<u>150.00</u>

1808 (b) The licenses and permits for which fees or charges are required pursuant to this Code  
 1809 section shall not be transferable. A new license or permit and fee are required upon change  
 1810 of ownership.

1811 25-2A-6.

1812 The commissioner shall appoint a state fire marshal. Qualifications for appointment as  
 1813 state fire marshal shall be previous training and experience in endeavors similar to those  
 1814 prescribed in this chapter. The commissioner shall fix the salary of the state fire marshal.

1815 25-2A-7.

1816 The state fire marshal, subject to the approval of the commissioner, shall appoint a deputy  
 1817 state fire marshal and administrative fire safety specialists and shall employ such office  
 1818 personnel as may be required to carry out this chapter. The deputy state fire marshal and  
 1819 administrative fire safety specialists shall be chosen by virtue of their previous training and  
 1820 experience in the particular duties which shall be assigned to them. They shall take an oath  
 1821 to perform faithfully the duties of their offices.

1822 25-2A-8.

1823 All state employees connected with the state fire marshal's office shall be allowed  
 1824 subsistence, lodging, and other expenses in connection with the execution of their duties  
 1825 when away from their headquarters. Transportation for such employees shall be paid at the  
 1826 mileage rate fixed by law for other state employees.

1827 25-2A-9.

1828 (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the  
 1829 district attorney of the judicial circuit, or a local fire official, the state fire marshal and any  
 1830 employees of such official shall have the authority to investigate the cause and origin of  
 1831 any fire which occurred in said county, jurisdiction, or judicial circuit.

1832 (b) Personnel employed and authorized by the state fire marshal shall have the power to  
 1833 make arrests for criminal violations established as a result of investigations. Such  
 1834 personnel must hold certification as a peace officer from the Georgia Peace Officer  
 1835 Standards and Training Council and shall have the power to execute arrest warrants and

1836 search warrants for criminal violations and to arrest, upon probable cause and without  
 1837 warrant, any person found violating any of the provisions of applicable criminal laws.  
 1838 Authorized personnel empowered to make arrests pursuant to this Code section shall be  
 1839 empowered to carry firearms as authorized by the state fire marshal in the performance of  
 1840 their duties. It shall be unlawful for any person to resist an arrest authorized by this Code  
 1841 section or to interfere in any manner, including abetting or assisting such resistance or  
 1842 interference, with personnel employed by the state fire marshal in the duties imposed upon  
 1843 such personnel by law.

1844 25-2A-10.

1845 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or  
 1846 decision of the state fire marshal, the right is granted to appeal within ten days to the  
 1847 commissioner. If the person, firm, corporation, or public entity is dissatisfied with the  
 1848 decision of the commissioner, appeal is authorized to the superior court within 30 days in  
 1849 the manner provided under Chapter 13 of Title 50. In the event of such appeal, the person,  
 1850 firm, corporation, or public entity shall give a surety bond which will be conditioned upon  
 1851 compliance with the order and direction of the state fire marshal or the commissioner or  
 1852 both. The amount of bond shall be fixed by the commissioner in such amount as will  
 1853 reasonably cover the order issued by the commissioner or the state fire marshal or both.

1854 25-2A-11.

1855 (a) As used in this Code section, the term:

1856 (1) 'Deputy local fire marshal' means any person who is employed by, supervised by, or  
 1857 otherwise assists a local fire marshal and who has been or is seeking to be deputized  
 1858 pursuant to this Code section.

1859 (2) 'Local fire marshal' means any employee or independent contractor of any  
 1860 municipality, county, or other governing authority who is responsible for arson  
 1861 investigations or other duties under this chapter for such municipality, county, or  
 1862 governing authority and who has been or is seeking to be deputized pursuant to this Code  
 1863 section.

1864 (3) 'State inspector' means any person who is employed by any board, commission, or  
 1865 other administrative authority of any state owned and operated or occupied facility, who  
 1866 is responsible for performing arson investigations or other duties under this chapter  
 1867 within such facility, and who has been or is seeking to be deputized pursuant to this Code  
 1868 section.

1869 (b) Upon application submitted by any governing authority or administrative authority  
 1870 described in subsection (a) of this Code section, the state fire marshal, subject to the

1871 approval of the commissioner and in accordance with this Code section, shall have the  
 1872 authority to deputize local fire marshals, deputy local fire marshals, or state inspectors, as  
 1873 appropriate, as state officers. The application shall be verified by an appropriate official  
 1874 and shall contain the name, address, and current place of employment for each applicant  
 1875 seeking to be deputized and the dates and places of past employment, educational  
 1876 background, training experience, any area of specialization and the basis therefor, and such  
 1877 other information as may be required by the state fire marshal.

1878 (c)(1) Prior to deputizing any local fire marshal, deputy local fire marshal, or state  
 1879 inspector, the state fire marshal shall examine the applicant's education, training, and  
 1880 employment experience to ascertain whether the applicant is qualified to perform duties  
 1881 in one or more of the following areas:

1882 (A) Arson investigations; or

1883 (B) Other duties under this chapter.

1884 (2) If the state fire marshal is satisfied that the applicant is qualified, he or she shall  
 1885 recommend to the commissioner that the applicant be deputized as a state officer to  
 1886 perform the appropriate duties on behalf of the state.

1887 (d) It shall be the responsibility of the governing authority to notify the state fire marshal  
 1888 when a local fire marshal is no longer employed by or accountable to such governing  
 1889 authority. It shall be the responsibility of the local fire marshal to ensure that his deputy  
 1890 local fire marshals perform their appointed duties and to notify the state fire marshal when  
 1891 a deputy local fire marshal is no longer employed under his authority. It shall be the  
 1892 responsibility of the administrative authority to ensure that state inspectors perform their  
 1893 appointed duties and to notify the state fire marshal when a state inspector is no longer  
 1894 employed by such administrative authority.

1895 (e) All deputized local fire marshals, deputy local fire marshals, and state inspectors shall  
 1896 submit monthly reports of their activities to the state fire marshal and shall comply with the  
 1897 administrative procedures of the state fire marshal's office. Any deputized local fire  
 1898 marshal, deputy local fire marshal, or state inspector who is found by the state fire marshal  
 1899 to be negligent in performing his appointed duties or in fulfilling his responsibilities shall  
 1900 be removed from his position as a state officer.

1901 25-2A-12.

1902 (a) Some substances constitute a special hazard to property and to the life and safety of  
 1903 persons because of certain characteristics and properties incident to their storage, handling,  
 1904 and transportation. Substances presenting such a special hazard include gasoline, kerosene,  
 1905 and other flammable liquids; liquefied petroleum gases; welding and other gases;

1906 dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly  
1907 flammable or hazardous nature.

1908 (b) Every person who stores, transports, or handles any of the hazardous substances listed  
1909 in subsection (a) of this Code section shall so store, transport, and handle the substances  
1910 as to afford every precaution and protection as may be found by the commissioner to be  
1911 reasonable and practical to avoid injury to persons from exposure, fire, or explosion caused  
1912 by the storage, transportation, or handling of these substances, including transportation  
1913 thereof only in vehicles which are in proper condition for that purpose.

1914 (c) The commissioner is directed to investigate the nature and properties of such hazardous  
1915 substances and the known precautionary and protective techniques for their storage,  
1916 transportation, and handling, including, but not limited to, the codes and standards adopted,  
1917 recommended, or issued by the National Fire Protection Association and the Agricultural  
1918 Nitrogen Institute. Based upon the investigation, the commissioner is authorized to  
1919 determine and by rule to provide what precautionary and protective techniques are  
1920 reasonable and practical measures for the prevention of injury to persons and property from  
1921 the storage, transportation, and handling of such highly flammable or hazardous  
1922 substances. Such authorization shall include the power to provide, by rule, the minimum  
1923 standards that a vehicle shall meet before it is considered to be in proper condition to  
1924 transport the material. No person shall transport any such material or substance in bulk  
1925 unless the vehicle in which it is transported is in the proper condition, as provided by such  
1926 rules, to transport the material with reasonable safety.

1927 (d)(1) As used in this subsection, the term:

1928 (A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which  
1929 contains a valve which automatically shuts off the flow of gasoline or diesel fuel  
1930 through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a  
1931 certain level.

1932 (B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump  
1933 nozzle, which device mechanically holds the nozzle and valve in an open position.

1934 (C) 'Self-service station' means any place of business which sells gasoline or diesel fuel  
1935 at retail and which allows customers to dispense the fuel.

1936 (2) No self-service station shall be prohibited from installing and no customer at such  
1937 station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps  
1938 available for operation by the customer. However, if hold-open latches are used on  
1939 pumps operated by the customer, such pumps shall be equipped with a functioning  
1940 automatic-closing device.

1941 (e) Plans and specifications for all proposed bulk storage facilities which come under  
1942 classification in subsection (a) of this Code section shall be submitted to and receive

1943 approval by the state fire marshal and the proper local fire marshal before construction is  
1944 started. All such plans and specifications submitted as required by this subsection shall be  
1945 accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration  
1946 number of the drafting architect or engineer or shall otherwise have the approval of the  
1947 commissioner.

1948 25-2A-13.

1949 (a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical  
1950 compound or mechanical mixture which is commonly used or intended for the purpose of  
1951 producing an explosion, which compound or mixture contains any oxidizing and  
1952 combustible units or other ingredients in such proportions, quantities, or packing that an  
1953 ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of  
1954 the compound or mixture may cause such a sudden generation of highly heated gases that  
1955 the resultant gaseous pressures are capable of producing destructive effects on contiguous  
1956 objects or of destroying life or limb. Explosives constitute a special hazard to life and  
1957 safety of persons because of the danger incident to their manufacture, transportation, use,  
1958 sale, and storage.

1959 (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so  
1960 manufacture, transport, use, sell, and store them as to afford every precaution and  
1961 protection against injury to persons as the commissioner may determine and by rule declare  
1962 to be reasonable and practical; provided, however, that nothing contained in this Code  
1963 section shall be construed to extend to storage, use, or sale of small arms ammunition.

1964 (c) The commissioner is directed to investigate and examine the nature and properties of  
1965 various explosives and known safety and protective techniques, including the safety  
1966 standards, recommendations, and codes of the National Fire Protection Association  
1967 (Explosives Ordinance, National Fire Code), and the American Insurance Association, the  
1968 successor to the National Board of Fire Underwriters. Based upon the investigation, the  
1969 commissioner is authorized to determine and by rule to provide what reasonable and  
1970 practical protection shall be afforded persons with respect to the manufacture,  
1971 transportation, use, sale, and storage of explosives.

1972 (d) No person shall manufacture, transport, use, sell, or store explosives without having  
1973 first obtained a license therefor issued by the commissioner in accordance with reasonable  
1974 rules established by him or her. The commissioner is authorized to make reasonable rules  
1975 providing for the issuance of such licenses on an annual basis to those applicants who have  
1976 observed and may be expected to observe safety rules lawfully made under this Code  
1977 section. Graded fees for such licenses shall be as provided in Code Section 25-2A-5. The  
1978 permits for the use only of explosives may be issued by judges of the probate courts or

1979 other local elected officials whom the commissioner may designate. Fees for such permits  
 1980 to use explosives shall be \$2.00 for each permit issued, which fee shall be retained by the  
 1981 issuing local official.

1982 (e) Every person licensed under this Code section who suffers a larceny or attempted  
 1983 larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof  
 1984 to local law enforcement agencies and to the state fire marshal, in accordance with rules  
 1985 made by the director. The commissioner is authorized to make such rules.

1986 25-2A-14.

1987 All federal, state, county, or city publicly owned buildings covered by this chapter are  
 1988 exempt from any fee or license which may be specified in this chapter. Such fees or  
 1989 licenses may be waived where chargeable to churches and charitable organizations.

1990 25-2A-15.

1991 (a) The commissioner and the various officials delegated by him or her to carry out this  
 1992 chapter shall have the authority at all times of the day and night to enter in or upon and to  
 1993 examine any building or premises where a fire is in progress or has occurred, as well as  
 1994 other buildings or premises adjacent to or near the same. The commissioner and his or her  
 1995 delegated authorities shall have the right to enter in and upon all buildings and premises  
 1996 subject to this chapter, at any reasonable time, for the purpose of examination or inspection.

1997 (b) Upon complaint submitted in writing, the commissioner and the various officials to  
 1998 whom enforcement authority is delegated under this chapter may enter in or upon any  
 1999 building or premises between the hours of sunrise and sunset for the purpose of  
 2000 investigating the complaint. Upon the complaint of any person, the state fire marshal or  
 2001 his or her deputized officials may inspect or cause to be inspected all buildings and  
 2002 premises within their jurisdiction whenever the state fire marshal or his or her deputized  
 2003 officials deem it necessary.

2004 25-2A-16.

2005 (a) The commissioner, his or her delegate, or any other person authorized under this title  
 2006 to conduct inspections or investigations of property, in addition to other procedures now  
 2007 or hereafter provided, may obtain an inspection warrant under the conditions specified in  
 2008 this Code section. Such warrant shall authorize the commissioner or his or her delegate or  
 2009 such authorized person to conduct a search or inspection of property either with or without  
 2010 the consent of the person whose property is to be searched or inspected if such search or  
 2011 inspection is one that is elsewhere authorized under this title or the rules and regulations  
 2012 duly promulgated hereunder.

2013 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or  
 2014 magistrate court upon proper oath or affirmation showing probable cause for the purpose  
 2015 of conducting inspections authorized by this title or rules promulgated under this title and  
 2016 for the seizure of property or the taking of samples appropriate to the inspection. For the  
 2017 purposes of issuance of inspection warrants, probable cause exists upon showing a valid  
 2018 public interest in the effective enforcement of this title or rules promulgated under this title  
 2019 sufficient to justify inspection of the area, premise, building, or conveyance in the  
 2020 circumstances specified in the application for the warrant.

2021 (c) A warrant shall be issued only upon affidavit of the commissioner or his or her  
 2022 designee or any person authorized to conduct inspections pursuant to this title, sworn to  
 2023 before the judicial officer and establishing the grounds for issuing the warrant. The issuing  
 2024 judge may issue the warrant when he or she is satisfied that the following conditions are  
 2025 met:

2026 (1) The one seeking the warrant must establish under oath or affirmation that the  
 2027 property to be inspected is to be inspected as a part of a legally authorized program of  
 2028 inspection which includes that property or that there is probable cause for believing that  
 2029 there is a condition, object, activity, or circumstance which legally justifies such an  
 2030 inspection of that property; and

2031 (2) The issuing judge determines that the issuance of the warrant is authorized by this  
 2032 Code section.

2033 (d) The warrant shall:

2034 (1) State the grounds for its issuance and the name of each person whose affidavit has  
 2035 been taken in support thereof;

2036 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

2037 (3) Command the persons to whom it is directed to inspect the area, premise, building,  
 2038 or conveyance identified for the purpose specified and, if appropriate, direct the seizure  
 2039 of the property specified;

2040 (4) Identify the item or types of property to be seized, if any; and

2041 (5) Designate the judicial officer to whom it shall be returned.

2042 (e) A warrant issued pursuant to this Code section must be executed and returned within  
 2043 ten days of its date of issuance unless, upon a showing of a need for additional time, the  
 2044 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided  
 2045 upon request to the person from whom or from whose premises the property is taken,  
 2046 together with a receipt for the property taken. The return of the warrant shall be made  
 2047 promptly, accompanied by a written inventory of any property taken. A copy of the  
 2048 inventory shall be delivered upon request to the person from whom or from whose  
 2049 premises the property was taken and to the applicant for the warrant.

2050 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return  
2051 and all papers returnable in connection therewith and file them with the clerk of the  
2052 superior court for the county in which the inspection was made.

2053 25-2A-17.

2054 When any of the officers listed in Code Section 25-2-16 when, in or around any building,  
2055 finds combustible or explosive matter, inflammables, or other conditions dangerous to the  
2056 safety of the building, notice may be given to the owner or agent and occupant of the  
2057 building to correct such unsafe conditions as may be found.

2058 25-2A-18.

2059 If any owner, agent, or occupant fails to comply with the notice prescribed in Code  
2060 Section 25-2A-17 within the time specified in the notice, the state fire marshal or his or her  
2061 delegated officials, with the approval of the director, may petition the court for a rule nisi  
2062 to show cause why an order should not be issued by the court that the same be removed or  
2063 remedied. Such court order shall forthwith be complied with by the owner or occupant of  
2064 the premises or building within such time as may be fixed in the court order.

2065 25-2A-19.

2066 If any person fails to comply with the order of the court made pursuant to Code  
2067 Section 25-2A-18 within the time fixed, the city or county in which the building or  
2068 premises in question are located shall cause the hazardous materials removed or the  
2069 dangerous conditions remedied, as the case may be, at the expense of the city or county in  
2070 which the property is situated. If the owner thereof, within 30 days after notice in writing  
2071 of the amount of such expense, fails, neglects, or refuses to repay the city or county the  
2072 expense thereby incurred, the local authorities shall issue a fi. fa. against the owner of the  
2073 property for the expense actually incurred.

2074 25-2A-20.

2075 Code Sections 25-2A-17 through 25-2A-19 shall be construed so that the final authority  
2076 for ordering the carrying out and enforcement of such Code sections shall be by order of  
2077 the court and not by the commissioner or his or her delegated authority.

2078 25-2A-21.

2079 The state fire marshal or his or her deputy, when in his or her opinion such proceedings are  
2080 necessary, shall take the testimony on oath of all persons believed to be cognizant of or to  
2081 have information or knowledge in relation to suspected arson and shall cause the testimony

2082 to be reduced to writing. If he or she is of the opinion that there is evidence sufficient to  
2083 charge any person with the crime of arson, he or she shall cause such person to be arrested  
2084 in accordance with the law. He or she shall also furnish the district attorney of the circuit  
2085 in which the fire occurred with all the information obtained by him or her in his or her  
2086 investigation. The district attorney shall thereupon proceed according to law.

2087 25-2A-22.

2088 (a) The state fire marshal or the deputy state fire marshal shall have the power to summon  
2089 and compel the attendance of witnesses before either or both of them, in any county in  
2090 which the witness resides, to testify in relation to any matter which is designated by Code  
2091 Section 25-2A-21 as a subject of inquiry and to issue subpoenas to compel the production  
2092 of all books, records, documents, and papers pertaining to such subject of inquiry. The  
2093 state fire marshal and deputy state fire marshal may also administer oaths and affirmations  
2094 to persons appearing as witnesses before them. Any person summoned shall have the right  
2095 of counsel at the hearing if he or she desires.

2096 (b) Should any person fail to comply with this Code section, the state fire marshal or his  
2097 or her agent is authorized to procure an order from the superior court of the county in  
2098 which the proposed witness resides, requiring compliance under the law.

2099 25-2A-23.

2100 All hearings held by or under the direction of the commissioner shall be conducted in  
2101 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and  
2102 the commissioner may also satisfy the procedure for conduct of hearings on contested cases  
2103 and rule making required under said chapter by following and complying with Chapter 2  
2104 of Title 33.

2105 25-2A-24.

2106 It shall be the duty of the state fire marshal to contact individuals, associations, and state  
2107 agencies, both within and outside this state, which have a direct interest in the  
2108 fundamentals of fire prevention and life safety, for the purpose of promoting the objectives  
2109 of this chapter.

2110 25-2A-25.

2111 (a) The state fire marshal shall coordinate with the state safety marshal to promote any  
2112 plan or program which tends to disseminate information on fire prevention and similar  
2113 projects and may aid any association or group of individuals which is primarily organized  
2114 along such lines.

2115 (b) It shall be the duty of the state fire marshal and the state safety marshal to carry on a  
 2116 state-wide program of fire prevention education in the schools of this state and to establish  
 2117 fire drills therein. All local school authorities are required to cooperate with the state fire  
 2118 marshal and the state safety marshal in carrying out programs designed to protect the lives  
 2119 of school children from fire and related hazards.

2120 25-2A-26.

2121 Every county or municipal governing authority or any two or more governing authorities  
 2122 or the division are authorized and empowered to take such action as may be required to  
 2123 formulate task forces, teams, or fire or police investigative units to investigate any case of  
 2124 a burn injury or wound sustained as reported pursuant to Code Section 25-2-32.1, to  
 2125 ascertain the cause of fires or explosions of suspicious origin within the county or  
 2126 municipalities, to pursue necessary investigation thereof, and to assist in the preparation  
 2127 and prosecution of cases stemming from any alleged criminal activity attendant to such  
 2128 fires or explosions.

2129 25-2A-27.

2130 (a) The state fire marshal, any deputy designated by the state fire marshal, the director of  
 2131 the Georgia Bureau of Investigation or the chief of a fire department of any municipal  
 2132 corporation or county where a fire department is established may request any insurance  
 2133 company investigating a fire loss of real or personal property to release any information in  
 2134 its possession relative to that loss. The company shall release the information to and  
 2135 cooperate with any official authorized to request such information pursuant to this Code  
 2136 section. The information to be released shall include, but is not limited to:

2137 (1) Any insurance policy relevant to the fire loss under investigation and any application  
 2138 for such a policy;

2139 (2) Policy premium payment records on the policy, to the extent available;

2140 (3) Any history of previous claims made by the insured for fire loss with the reporting  
 2141 carrier; and

2142 (4) Material relating to the investigation of the loss, including statements of any person,  
 2143 proof of loss, and any other relevant evidence.

2144 (b) If an insurance company has reason to suspect that a fire loss to its insured's real or  
 2145 personal property was caused by incendiary means, the company shall notify the state fire  
 2146 marshal and furnish him with all relevant material acquired by the company during its  
 2147 investigation of the fire loss. The insurer shall also cooperate with and take such action as  
 2148 may be requested of it by the state fire marshal's office or by any law enforcement agency  
 2149 of competent jurisdiction. The company shall also permit any person to inspect its records

2150 pertaining to the policy and to the loss if the person is authorized to do so by law or by an  
2151 appropriate order of a superior court of competent jurisdiction.

2152 (c) In the absence of fraud or malice, no insurance company or person who furnishes  
2153 information on its behalf shall be liable for damages in a civil action or subject to criminal  
2154 prosecution for any oral or written statement made or any other action taken which is  
2155 necessary to supply information required pursuant to this Code section.

2156 (d) The officials and departmental and agency personnel receiving any information  
2157 furnished pursuant to this Code section shall hold the information in confidence until such  
2158 time as its release is required pursuant to a criminal or civil proceeding, provided that  
2159 nothing contained in this Code section shall be deemed to prohibit representatives of the  
2160 state fire marshal's office or other authorized law enforcement officials from discussing  
2161 such matters with other agency or departmental personnel or with other law enforcement  
2162 officials or from releasing or disclosing any such information during the conduct of their  
2163 investigation, if the release or disclosure is necessary to enable them to conduct their  
2164 investigation in an orderly and efficient manner; provided, further, that nothing contained  
2165 in this Code section shall prohibit an insurance company which furnishes information to  
2166 an authorized agency or agencies pursuant to this Code section from having the right to  
2167 request relevant information and receive, within a reasonable time not to exceed 30 days,  
2168 the information requested.

2169 (e) Any official referred to in subsection (a) of this Code section may be required to testify  
2170 as to any information in his or her possession regarding the fire loss of real or personal  
2171 property in any civil action against an insurance company for the fire loss in which any  
2172 person seeks recovery under a policy.

2173 (f)(1) No person shall purposely refuse to release any information requested pursuant to  
2174 subsection (a) of this Code section.

2175 (2) No person shall purposely refuse to notify the state fire marshal of a fire loss required  
2176 to be reported pursuant to subsection (b) of this Code section.

2177 (3) No person shall purposely refuse to supply the state fire marshal with pertinent  
2178 information required to be furnished pursuant to subsection (b) of this Code section.

2179 (4) No person shall purposely fail to hold in confidence information required to be held  
2180 in confidence by subsection (d) of this Code section.

2181 (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

2182 25-2A-28.

2183 (a) The fire department of each county and municipality and any other organized fire  
2184 department operating within this state shall report every incident or suspected incident of  
2185 arson to the local law enforcement agency, the state fire marshal, and every insurance

2186 company with a known pecuniary interest in the cause of the fire in which arson is involved  
2187 or suspected to be involved. In any local jurisdiction where an organized fire department  
2188 is not operating, the local law enforcement agency investigating a fire shall make the  
2189 reports required by this Code section. Such reports shall be made on forms provided for  
2190 that purpose by the state fire marshal.

2191 (b) Any insurance company which has received a report of an incident or suspected  
2192 incident of arson under subsection (a) of this Code section shall not pay any claim relating  
2193 thereto prior to notifying in writing the state fire marshal and local fire department of the  
2194 date the claim is to be paid.

2195 25-2A-29.

2196 The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of  
2197 Investigation shall cooperate with the commissioner and his or her deputies and inspectors  
2198 whenever called upon by him or her or them in enforcing this chapter. They shall make  
2199 available to the commissioner or his or her deputies and inspectors such facilities as lie  
2200 detectors, broadcasting facilities, and other aid and devices as requested.

2201 25-2A-30.

2202 The commissioner is authorized to pay sheriffs and other peace officers reasonable fees for  
2203 assistance given in assembling evidence as to the causes or criminal origin of fires and in  
2204 apprehending persons guilty of arson.

2205 25-2A-31.

2206 In addition to the civil monetary penalty provided for in Code Section 25-2A-32, the  
2207 commissioner may bring a civil action to enjoin a violation of any provision of this chapter  
2208 or any rule, regulation, or order issued by the commissioner under this chapter. In  
2209 particular, but not by way of limitation upon the authority granted in this Code section, the  
2210 commissioner may bring an action to obtain an order of court directing the immediate  
2211 evacuation and the secure closure of any structure which, by reason of violation of any  
2212 provision of this chapter or of any rule, regulation, or order issued by the commissioner  
2213 under this chapter, is found to pose an immediate threat to the property, health, or lives of  
2214 the occupants of the structure. In order to avail himself or herself of the remedies provided  
2215 for in this Code section, it shall not be necessary for the commissioner to allege or to prove  
2216 the absence of an adequate remedy at law.

2217 25-2A-32.

2218 (a) Any person who violates this chapter or any rule, regulation, or order issued by the  
 2219 commissioner under this chapter shall be subject to a civil penalty imposed by the  
 2220 commissioner in accordance with the rules and regulations promulgated by the  
 2221 commissioner.

2222 (b) Any person who violates this chapter or any rule, regulation, or order issued by the  
 2223 commissioner under this chapter shall be subject to a civil penalty not to exceed \$1,000.00  
 2224 for each day that the violation persists after such person is notified of the commissioner's  
 2225 intent to impose such penalty and of the right to a hearing with respect to same.

2226 (e) Any person violating subsection (a) of this Code section shall be subject to a fine of not  
 2227 more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more than  
 2228 \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than \$5,000.00  
 2229 for a third or subsequent offense.

2230 25-2A-33.

2231 Any person, firm, or corporation violating this chapter or failing or refusing to comply with  
 2232 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

2233 25-2A-34.

2234 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign  
 2235 immunity of the state, or any officer or employee thereof, in carrying out the provisions of  
 2236 this chapter. No action shall be maintained against the state, any municipality, county, or  
 2237 any officer, elected officer or employees thereof, for damages sustained as a result of any  
 2238 fire or related hazard covered in this chapter by reason of any inspection or other action  
 2239 taken or not taken pursuant to this chapter.

2240 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee  
 2241 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,  
 2242 or use of such property.

2243 25-2A-35.

2244 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,  
 2245 is remedial in nature, and shall be construed liberally.

2246 25-2A-36.

2247 (a) The Fire Safety Advisory Board is established. The board shall be composed of 17  
 2248 members, who shall be appointed as follows:

2249 (1) Four members shall be appointed by the Governor;

- 2250 (2) Two members shall be appointed by the Speaker of the House of Representatives;  
 2251 (3) Two members shall be appointed by the Lieutenant Governor;  
 2252 (4) One member shall be the Commissioner of Insurance or his or her designee;  
 2253 (5) One member shall be the President of the Georgia Association of Fire Chiefs, ex  
 2254 officio;  
 2255 (6) One member shall be the President of the Georgia State Firefighter's Association, ex  
 2256 officio;  
 2257 (7) The commissioner shall appoint one member who shall be a member of the Georgia  
 2258 Municipal Association;  
 2259 (8) The commissioner shall appoint one member who shall be a member of the  
 2260 Association County Commissioners of Georgia;  
 2261 (9) The commissioner shall appoint one member who shall be a member of the Insurance  
 2262 Services Organization;  
 2263 (10) The commissioner shall appoint one member from the Georgia propane gas  
 2264 industry;  
 2265 (11) The commissioner shall appoint one member who shall be a member of the Georgia  
 2266 Oilman's Association; and  
 2267 (12) The commissioner shall appoint one member from the manufactured home industry.  
 2268 All members shall serve until their successors are appointed and qualified.  
 2269 (b) At the first regular meeting of the board held in each even-numbered year, the board  
 2270 shall elect a chairperson and such other officers from its own membership as it deems  
 2271 necessary to serve until successors are elected by the board as provided in this subsection.  
 2272 (c) The board shall provide advice to the commissioner on all matters before the  
 2273 department.  
 2274 (d) Each member of the board, in carrying out their official duties, shall be entitled to  
 2275 receive the same expense and mileage allowance authorized for members of professional  
 2276 licensing boards by subsection (f) of Code Section 43-1-2. The funds for such expenses  
 2277 and allowances shall be paid from funds appropriated or available to the department.
- 2278 25-2A-37.  
 2279 The department shall succeed to all rules, regulations, policies, procedures, and pending  
 2280 and finalized administrative orders of the Safety Fire Division of the office of the  
 2281 Commissioner of Insurance applicable to the duties of the department which are in effect  
 2282 on June 30, 2013. Such rules, regulations, policies, and procedures shall remain in effect  
 2283 until amended, repealed, superseded, or nullified by the department.

2284 25-2A-38.

2285 All valid agreements, licenses, permits, certificates, and similar authorizations previously  
 2286 issued by the Commissioner of Insurance, the state fire marshal, or any division,  
 2287 department, or agency with respect to any function transferred to the department as  
 2288 provided in this chapter shall continue in effect until the same expire by their terms unless  
 2289 they are suspended, revoked, or otherwise made ineffective as provided by law.

2290 25-2A-39.

2291 Effective July 1, 2013, the department shall carry out all of the functions and obligations  
 2292 and exercise all of the powers provided in this chapter which were formerly held by the  
 2293 Safety Fire Division of the Department of Insurance. All persons employed by and  
 2294 positions authorized for the Department of Insurance relating to functions provided in this  
 2295 chapter previously performed by the Safety Fire Division shall, on July 1, 2013, be  
 2296 transferred to the department, specifically those persons employed in the hazardous  
 2297 materials program, the manufactured housing program, and the arson investigation program  
 2298 who are funded through the fire administration program budget of the Safety Fire Division  
 2299 of the Department of Insurance. All office equipment, furniture, and other assets and real  
 2300 property in possession of the Department of Insurance which are used or held exclusively  
 2301 or principally by personnel transferred under this chapter shall be transferred to the  
 2302 department on July 1, 2013."

2303 **SECTION 14.**

2304 Said Title 25 is further amended by revising Article 2 of Chapter 3, relating to minimum  
 2305 requirements for local fire departments generally, as follows:

2306 "ARTICLE 2

2307 25-3-20.

2308 It is the intention of the General Assembly of Georgia to establish minimum requirements  
 2309 for all fire departments operating in this state. The General Assembly recognizes that fire  
 2310 departments operating in this state cannot function effectively and efficiently as full-time  
 2311 fire departments without meeting or exceeding the minimum requirements established by  
 2312 this article.

2313 25-3-21.

2314 As used in this article, the term:

2315 (1) ~~'Executive director' means the executive director of the Georgia Firefighter Standards~~  
 2316 ~~and Training Council~~ 'Commissioner' means the commissioner of the Department of Fire  
 2317 Safety.

2318 (2) 'Department' means the Department of Fire Safety.

2319 ~~(2)(3)~~(A) 'Fire department' means any fire department which is authorized to exercise  
 2320 the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

2321 (B) 'Fire department' also means any department, agency, organization, or company  
 2322 operating in this state with the intent and purpose of carrying out the duties, functions,  
 2323 powers, and responsibilities normally associated with a fire department. These duties,  
 2324 functions, powers, and responsibilities include but are not limited to the protection of  
 2325 life and property against fire, explosions, or other hazards.

2326 ~~(3)~~(4) 'Firefighter' means any able-bodied person at least 18 years of age who has been  
 2327 duly appointed by a legally constituted fire department and who has the responsibility of  
 2328 preventing and suppressing fires, protecting life and property, and performing other  
 2329 duties enumerated in Code Sections 25-3-1 and 25-3-2.

2330 25-3-22.

2331 In order for a fire department to be legally organized to operate in the State of Georgia, the  
 2332 chief administrative officer of the fire department shall notify the ~~executive director~~  
 2333 commissioner that the organization meets the minimum requirements specified in Code  
 2334 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~  
 2335 ~~Training Council~~ department to function as a fire department. If the ~~council~~ commissioner  
 2336 is satisfied that the fire department meets the minimum requirements contained in Code  
 2337 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~  
 2338 ~~Training Council~~, ~~he or she shall recommend to the Georgia Firefighter Standards and~~  
 2339 ~~Training Council~~ that a department, then a certificate of compliance shall be issued by the  
 2340 council department to the fire department. If the ~~council~~ commissioner issues such  
 2341 certificate of compliance, the fire department shall be authorized to exercise the general  
 2342 and emergency powers set forth in Code Sections 25-3-1 and 25-3-2.

2343 25-3-23.

2344 (a) Except as otherwise provided in subsection (c) of this Code section, in order to be  
 2345 legally organized:

2346 (1) A fire department shall comply with the following requirements:

2347 (A) Be established to provide fire and other emergency and nonemergency services in  
 2348 accordance with standards specified solely by the ~~Georgia Firefighter Standards and~~  
 2349 ~~Training Council~~ department and the applicable local government;

- 2350 (B) Be capable of providing fire protection 24 hours a day, 365 days per year;
- 2351 (C) Be responsible for a defined area of operations depicted on a map located at the fire  
 2352 station, which area of operations shall have been approved and designated by the  
 2353 governing authority of the applicable county, municipality, or other political  
 2354 subdivision in the case of any county, municipal, or volunteer fire department; and
- 2355 (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters  
 2356 who have successfully completed basic firefighter training as specified by the ~~Georgia~~  
 2357 ~~Firefighter Standards and Training Council~~ department; and
- 2358 (2) A fire department shall possess the following items of approved equipment and  
 2359 protective clothing:
- 2360 (A) A minimum of one fully equipped, operable pumper with a capacity of at least 750  
 2361 GPM at 150 PSI and a tank capacity of a minimum of 250 gallons; provided, however,  
 2362 that previously approved fire apparatus which does not meet such minimum standards  
 2363 may be used in lieu of the minimum required pumper until replaced by the local  
 2364 authority;
- 2365 (B) A minimum of equipment, appliances, adapters, and accessories necessary to  
 2366 perform and carry out the duties and responsibilities of a fire department set forth in  
 2367 Code Sections 25-3-1 and 25-3-2 as approved by the ~~Georgia Firefighter Standards and~~  
 2368 ~~Training Council~~ department;
- 2369 (C) A minimum of two approved self-contained breathing apparatus for each pumping  
 2370 apparatus as approved by the ~~Georgia Firefighter Standards and Training Council~~  
 2371 department; and
- 2372 (D) A minimum issue of sufficient personal protective clothing to permit each member  
 2373 to perform safely the duties of a firefighter.
- 2374 (b) A legally organized fire department shall purchase and maintain sufficient insurance  
 2375 coverage on each member of the fire department to pay claims for injuries sustained en  
 2376 route to, during, and returning from fire calls or other emergencies and disasters and  
 2377 scheduled training sessions.
- 2378 (c) On and after ~~July 1, 1998, the Georgia Firefighter Standards and Training Council~~  
 2379 July 1, 2013, the department shall be authorized, by rules and regulations, to establish and  
 2380 modify minimum requirements for all fire departments operating in this state, provided that  
 2381 such requirements are equal to or exceed the requirements provided in subsections (a) and  
 2382 (b) of this Code section.
- 2383 25-3-24.
- 2384 ~~The executive director may consult with and consider the recommendations of the director~~  
 2385 ~~of the Georgia Forestry Commission, the director of the Georgia Fire Academy, the state~~

2386 ~~fire marshal, and the governing authority of any county or municipality in which the fire~~  
 2387 ~~department is located to determine if individual fire departments are complying with the~~  
 2388 ~~minimum provisions of this article and serving the best interests of the citizens of the area~~  
 2389 ~~of its operations. Reserved.~~

2390 25-3-25.

2391 (a) The certificate of compliance issued by the ~~council~~ commissioner shall be subject to  
 2392 suspension or revocation by the ~~council~~ commissioner at any time it he or she receives  
 2393 satisfactory evidence that the fire department is not maintaining sufficient personnel,  
 2394 equipment, or insurance required by Code Section 25-3-23 or the rules and regulations of  
 2395 the ~~Georgia Firefighter Standards and Training Council~~ department.

2396 (b) The chief administrative officer of any fire department aggrieved by a decision of the  
 2397 ~~council~~ commissioner under subsection (a) of this Code section may, within 30 days of the  
 2398 date of such decision, request a hearing on the matter before the ~~council~~ commissioner or  
 2399 his or her designee. Following a hearing before the ~~council~~ commissioner or his or her  
 2400 designee, the chief administrative officer of the fire department affected shall be served  
 2401 with a written decision of the ~~council~~ commissioner announcing whether the certificate of  
 2402 compliance shall remain revoked or suspended or whether it shall be reinstated. The  
 2403 decision of the commissioner may, within 30 days, be appealed to the superior court of the  
 2404 county in which the fire department is located. The review by the superior court shall be  
 2405 limited to the existing record, including previously admitted documents, testimony, and  
 2406 other evidence. During the appeal process set forth in this Code section, the  
 2407 commissioner's decision to suspend or revoke a certification shall be stayed.

2408 (c) The ~~council~~ commissioner shall not suspend or revoke any certificate of compliance  
 2409 for failure to meet firefighter training requirements when such failure was due to  
 2410 unavailability of required training from or through the ~~Georgia Fire Academy~~ department.

2411 (d) The ~~council~~ commissioner may refer suspensions or revocations to the Attorney  
 2412 General for enforcement. Upon referral from the ~~council~~ commissioner, the Attorney  
 2413 General may bring a civil action to enjoin any organization which is not in compliance with  
 2414 the applicable requirements of this chapter from performing any or all firefighting  
 2415 functions until such requirements are met by such organization.

2416 25-3-26.

2417 ~~The executive director shall cooperate with newly formed and existing fire departments to~~  
 2418 ~~ensure that all fire departments in this state are in compliance with the provisions of this~~  
 2419 ~~article by July 1, 1986.~~

2420 ~~25-3-27.~~

2421 ~~This article shall not be construed to amend, modify, or repeal any of the provisions of~~  
 2422 ~~Chapter 4 of this title, known as the 'Georgia Firefighter Standards and Training Act,' nor~~  
 2423 ~~shall this article be construed to restrict the requirements of any other provisions relating~~  
 2424 ~~to fire departments, equipment, or personnel."~~

2425 **SECTION 15.**

2426 Said Title 25 is further amended by revising Article 1 of Chapter 4, relating to general  
 2427 provisions relative to firefighter standards and training, as follows:

2428 "ARTICLE 1

2429 25-4-1.

2430 This chapter shall be known and may be cited as the ~~'Georgia Firefighter Standards and~~  
 2431 ~~Training Act.'~~ 'Georgia Fire Safety Professional Development Act.'

2432 25-4-2.

2433 As used in this chapter, the term:

2434 (1) 'Airport' means any airport located in this state which has regularly scheduled  
 2435 commercial air carrier service or commuter airline service as required for certification  
 2436 under Section 139.49 of the Federal Aviation Administration regulations.

2437 (2) 'Airport firefighter' means any person assigned to any airport located in this state who  
 2438 performs the duties of aircraft fire fighting or rescue.

2439 (3) 'Candidate' means a prospective firefighter who has not yet been certified by the  
 2440 ~~council~~ department as having met the requirements of this chapter.

2441 (4) 'Certified firefighter' or 'state certified firefighter' means any firefighter who has been  
 2442 certified by the ~~council~~ department as having met the requirements of this chapter.

2443 (5) 'Commissioner' ~~'Council'~~ means the ~~Georgia Firefighter Standards and Training~~  
 2444 ~~Council~~ commissioner of the Department of Fire Safety.

2445 (6) 'Department' means the Department of Fire Safety.

2446 (7) 'Division' means the Professional Development Division of the Department of Fire  
 2447 Safety.

2448 ~~(5.1)~~(8) 'Fire department' shall have the same meaning as provided in Code  
 2449 Section 25-3-21.

2450 ~~(6)~~(9) 'Firefighter' means a trained individual who is a full-time employee, part-time  
 2451 employee, or volunteer for a municipal, county, state, or private incorporated fire  
 2452 department and as such has duties of responding to mitigate a variety of emergency and

2453 nonemergency situations where life, property, or the environment is at risk, which may  
 2454 include, without limitation, fire suppression; fire prevention activities; emergency  
 2455 medical services; hazardous materials response and preparedness; technical rescue  
 2456 operations; search and rescue; disaster management and preparedness; community service  
 2457 activities; response to civil disturbances and terrorism incidents; nonemergency functions,  
 2458 including training, preplanning, communications, maintenance, and physical  
 2459 conditioning; and other related emergency and nonemergency duties as may be assigned  
 2460 or required; provided, however, that a firefighter's assignments may vary based on  
 2461 geographic, climatic, and demographic conditions or other factors, including training,  
 2462 experience, and ability.

2463 ~~(7)~~(10) 'Full-time' means employed for compensation on a basis of at least 40 hours per  
 2464 week by any municipal, county, state, or private incorporated fire department.

2465 ~~(8)~~(11) 'Part-time' means employed for compensation on less than a full-time basis by  
 2466 any municipal, county, state, or private incorporated fire department.

2467 ~~(9)~~(12) 'Volunteer' means not employed for compensation by but appointed and regularly  
 2468 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated  
 2469 fire department.

2470 25-4-3.

2471 (a) The department shall succeed to all rules, regulations, policies, procedures, and  
 2472 pending and finalized administrative orders of the Georgia Firefighter Standards and  
 2473 Training Council which are in effect on June 30, 2013. Such rules, regulations, policies,  
 2474 and procedures shall remain in effect until amended, repealed, superseded, or nullified by  
 2475 the commissioner.

2476 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
 2477 previously issued by the Georgia Firefighter Standards and Training Council with respect  
 2478 to any function transferred to the department shall continue in effect until the same expire  
 2479 by their terms unless they are suspended, revoked, or otherwise made ineffective as  
 2480 provided by law.

2481 (c) Effective July 1, 2013, the department shall carry out all of the functions and  
 2482 obligations and exercise all of the powers formerly held by the Georgia Firefighter  
 2483 Standards and Training Council. All persons employed by and positions authorized for the  
 2484 Georgia Firefighter Standards and Training Council shall, on July 1, 2013, be transferred  
 2485 to the department. All office equipment, furniture, and other assets and real property in  
 2486 possession of the Georgia Firefighter Standards and Training Council which are used or  
 2487 held exclusively or principally by personnel transferred under this chapter shall be  
 2488 transferred to the department on July 1, 2013.

2489 ~~(a) The Georgia Firefighter Standards and Training Council is established. The council~~  
 2490 ~~shall be composed of eleven members, one of whom shall be the Safety Fire Commissioner~~  
 2491 ~~or the designated representative of the Safety Fire Commissioner. Two members shall be~~  
 2492 ~~appointed by the Lieutenant Governor. Two members shall be appointed by the Speaker~~  
 2493 ~~of the House of Representatives. The remaining six members shall be appointed by the~~  
 2494 ~~Governor subject to the following requirements:~~

- 2495 ~~(1) One member shall be a member of the governing authority of a county;~~
- 2496 ~~(2) One member shall be a member of the governing authority of a municipality;~~
- 2497 ~~(3) One member shall be a city or county manager;~~
- 2498 ~~(4) One member shall be the chief of a county or municipal fire department; and~~
- 2499 ~~(5) Two members shall be state-certified firefighter training officers.~~

2500 ~~(b) The members of the council appointed by the Governor pursuant to subsection (a) of~~  
 2501 ~~this Code section shall be appointed at the sole discretion of the Governor. However, the~~  
 2502 ~~Governor may consider for appointment to the council persons suggested for membership~~  
 2503 ~~thereon as follows:~~

- 2504 ~~(1) The Association County Commissioners of Georgia may suggest the names of three~~  
 2505 ~~persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code~~  
 2506 ~~section;~~
- 2507 ~~(2) The Georgia Municipal Association may suggest the names of three persons for each~~  
 2508 ~~appointment pursuant to paragraph (2) of subsection (a) of this Code section;~~
- 2509 ~~(3) The Georgia City and County Management Association may suggest the names of~~  
 2510 ~~three persons for each appointment pursuant to paragraph (3) of subsection (a) of this~~  
 2511 ~~Code section;~~
- 2512 ~~(4) The Georgia Association of Fire Chiefs may suggest the names of three persons for~~  
 2513 ~~each appointment pursuant to paragraph (4) of subsection (a) of this Code section; and~~
- 2514 ~~(5) The Executive Board of the Georgia State Firemen's Association may suggest the~~  
 2515 ~~names of three persons for each appointment pursuant to paragraph (5) of subsection (a)~~  
 2516 ~~of this Code section.~~

2517 ~~(c)(1) The first members of the council appointed by the Governor pursuant to subsection~~  
 2518 ~~(a) of this Code section shall be appointed to take office on January 1, 1986. The two~~  
 2519 ~~members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code~~  
 2520 ~~section shall be appointed for initial terms of one year, the two members appointed~~  
 2521 ~~pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be~~  
 2522 ~~appointed for initial terms of two years, and the two members appointed pursuant to~~  
 2523 ~~paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms~~  
 2524 ~~of three years. Thereafter, successors shall be appointed for terms of three years as the~~  
 2525 ~~respective terms of office expire.~~

2526 ~~(2) The members appointed by the Lieutenant Governor and the members appointed by~~  
 2527 ~~the Speaker of the House of Representatives shall each serve for terms concurrent with~~  
 2528 ~~terms of members of the General Assembly.~~

2529 ~~(3) All members shall serve until their successors are appointed and qualified. In the~~  
 2530 ~~event of a vacancy in the membership of the council for any reason, including ceasing to~~  
 2531 ~~hold an office or position required for membership on the council, the Governor shall fill~~  
 2532 ~~such vacancy for the unexpired term, except that a vacancy in either of those members~~  
 2533 ~~of the council appointed by the Lieutenant Governor or the Speaker of the House of~~  
 2534 ~~Representatives shall be filled for the remainder of the unexpired term in the same~~  
 2535 ~~manner as the original appointment. In order for the Governor to consider the names of~~  
 2536 ~~persons suggested for membership on the council pursuant to subsection (b) of this Code~~  
 2537 ~~section, such names must be submitted to the Governor by the respective organizations~~  
 2538 ~~at least 60 days but not more than 90 days prior to the expiration of the respective terms~~  
 2539 ~~of office or prior to the appointment of the initial members of the council who take office~~  
 2540 ~~on January 1, 1986. The Governor shall be authorized, but not required, to request the~~  
 2541 ~~appropriate organization designated in subsection (b) of this Code section to suggest the~~  
 2542 ~~names of three persons for the Governor's consideration in making an appointment to fill~~  
 2543 ~~a vacancy.~~

2544 ~~(d) At the first regular meeting of the council held in each even-numbered year, the council~~  
 2545 ~~shall elect a chairperson and such other officers from its own membership as it deems~~  
 2546 ~~necessary to serve until successors are elected by the council as provided in this subsection.~~

2547 ~~(e) The council may, from time to time, designate an advisory committee of not more than~~  
 2548 ~~three members to assist and advise the council in carrying out its duties under this chapter.~~  
 2549 ~~The members of any such advisory committee shall serve at the pleasure of the council.~~

2550 ~~(f) Each member of the council and each member of an advisory committee of the council,~~  
 2551 ~~in carrying out their official duties, shall be entitled to receive the same expense and~~  
 2552 ~~mileage allowance authorized for members of professional licensing boards by subsection~~  
 2553 ~~(f) of Code Section 43-1-2. The funds for such expenses and allowances shall be paid from~~  
 2554 ~~funds appropriated or available to the Department of Public Safety.~~

2555 25-4-4.

2556 ~~Membership on the council does not constitute public office, and no member shall be~~  
 2557 ~~disqualified from holding public office by reason of his membership. Reserved.~~

2558 25-4-5.

2559 ~~The council is assigned to the Department of Public Safety for administrative purposes.~~

2560 ~~The funds necessary to carry out this chapter shall come from funds appropriated to and~~

2561 available to the council department and from any other available funds. The council  
 2562 department is authorized to accept and use gifts, grants, and donations for the purpose of  
 2563 carrying out this chapter. The council department is also authorized to accept and use  
 2564 property, both real and personal, and services for the purpose of carrying out this chapter.

2565 25-4-6.

2566 ~~The business of the council shall be conducted in the following manner:~~

2567 ~~(1) The council shall hold at least two regular meetings each year at the call of the~~  
 2568 ~~chairperson or upon the written request of six members of the council. Six members of~~  
 2569 ~~the council shall constitute a quorum. The council shall adopt such rules for the~~  
 2570 ~~transaction of its business as it shall desire and may appoint such committees as it~~  
 2571 ~~considers necessary to carry out its business and duties.~~

2572 ~~(2) The council shall make an annual report of its activities to the Governor and to the~~  
 2573 ~~General Assembly and shall include in the report its recommendations for appropriate~~  
 2574 ~~legislation. The council shall not be required to distribute copies of the annual report to~~  
 2575 ~~the members of the General Assembly but shall notify the members of the availability of~~  
 2576 ~~the report in the manner which it deems to be most effective and efficient. Reserved.~~

2577 25-4-7.

2578 The council department, through its Professional Development Division, is vested with the  
 2579 following functions and powers:

2580 (1) To promulgate rules and regulations for the administration of the council certification  
 2581 of firefighters;

2582 (2) To provide rules of procedure for its internal management and control;

2583 (3) To enter into contracts or do such things as may be necessary and incidental to the  
 2584 administration of its authority pursuant to this chapter;

2585 (4) To establish uniform minimum standards for the employment and training of  
 2586 full-time, part-time, or volunteer firefighters, airport firefighters, fire and life safety  
 2587 educators, fire inspectors, and fire investigators, including qualifications, certifications,  
 2588 recertifications, decertifications, and probations for certified individuals and suspensions  
 2589 for noncertified individuals, and requirements, which are consistent with this chapter;

2590 (5) To establish minimum curriculum requirements for schools operated by or for any  
 2591 employing agency for the specific purpose of training firefighter recruits or full-time,  
 2592 part-time, or volunteer firefighters, airport firefighters, fire and life safety educators, fire  
 2593 inspectors, and fire investigators;

- 2594 (6) To approve institutions and facilities for school operation by or for any employing  
 2595 agency for the specific purpose of training firefighters and firefighter recruits, including  
 2596 airport firefighters;
- 2597 (7) To make or support studies on any aspect of fire-fighting education and training or  
 2598 recruitment;
- 2599 (8) To make recommendations concerning any matter within its purview;
- 2600 (9) To establish basic firefighter training requirements for full-time, part-time, and  
 2601 volunteer firefighters, including airport firefighters;
- 2602 (10) To certify any person satisfactorily complying with the training program established  
 2603 in accordance with paragraph (9) of this Code section and the qualifications for  
 2604 employment covered in this chapter; and
- 2605 (11) To issue a certificate to any person who has received training in another state or  
 2606 who has received training as a federal firefighter by the United States government, when  
 2607 the council division has determined that the training was at least equivalent to that  
 2608 required by the council division for approved firefighter education and training programs  
 2609 in this state and when the person has satisfactorily complied with all other requirements  
 2610 of this chapter.

2611 25-4-7.1.

- 2612 (a) The council commissioner shall appoint and establish the compensation of ~~an executive~~  
 2613 a director who shall serve at the pleasure of the council commissioner.
- 2614 (b) The ~~executive~~ director, with the approval of the commissioner, may contract for such  
 2615 services and employ such other professional, technical, and clerical personnel as may be  
 2616 necessary and convenient to carry out the purposes of this chapter.

2617 25-4-8.

- 2618 (a) Except as provided in Code Section 25-4-12, any person employed or certified as a  
 2619 firefighter shall:
- 2620 (1) Be at least 18 years of age;
- 2621 (2) Not have been convicted of a felony in any jurisdiction or of a crime which if  
 2622 committed in this state would constitute a felony under the laws of this state within ten  
 2623 years prior to employment, provided that a person who has been convicted of a felony  
 2624 more than five but less than ten years prior to employment may be certified and employed  
 2625 as a firefighter when the person has:
- 2626 (A) Successfully completed a training program following the ~~Georgia Fire Academy~~  
 2627 curriculum and sponsored by the Department of Corrections curriculum developed by  
 2628 the Professional Services Division of the department;

2629 (B) Been recommended to a fire department by the proper authorities at the institution  
 2630 at which the training program was undertaken; and

2631 (C) Met all other requirements as set forth in this chapter.

2632 The ~~council~~ commissioner shall be the final authority with respect to authorizing  
 2633 employment and certification of a person who has been convicted of a felony more than  
 2634 five but less than ten years prior to seeking employment when the person is seeking  
 2635 employment as a firefighter for any municipal, county, or state fire department which  
 2636 employs three or more firefighters who work a minimum of 40 hours per week and has  
 2637 the responsibility of preventing and suppressing fires, protecting life and property, and  
 2638 enforcing municipal, county, and state codes, as well as enforcing any law pertaining to  
 2639 the prevention and control of fires;

2640 (3) Have a good moral character as determined by investigation under procedure  
 2641 approved by the ~~council~~ commissioner;

2642 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to  
 2643 disclose any criminal record;

2644 (5) Be in good physical condition as determined by a medical examination and  
 2645 successfully pass the minimum physical agility requirements as established by the ~~council~~  
 2646 commissioner; and

2647 (6) Possess or achieve within 12 months after employment a high school diploma or a  
 2648 general education development equivalency.

2649 (b) For the purposes of paragraph (2) of subsection (a) of this Code section, a person shall  
 2650 be deemed to have been convicted of a crime if such person shall have pleaded guilty to  
 2651 a charge thereof before a court or federal magistrate or shall have been found guilty thereof  
 2652 by the decision or judgment of a court or federal magistrate or by the verdict of a jury,  
 2653 irrespective of the pronouncement of sentence or the suspension thereof, unless such plea  
 2654 of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or  
 2655 otherwise abrogated by lawful judicial process or unless the person convicted of the crime  
 2656 shall have received a pardon therefor from the President of the United States or the  
 2657 governor or other pardoning authority in the jurisdiction where the conviction was had or  
 2658 shall have received a certificate of good conduct granted by the State Board of Pardons and  
 2659 Paroles pursuant to the provisions of law to remove a disability under law because of such  
 2660 conviction.

2661 (c)(1) For the purposes of making determinations relating to eligibility under paragraph  
 2662 (2) of subsection (a) of this Code section, a local fire department shall provide  
 2663 information relative to prospective employees to the local law enforcement agency and  
 2664 a state fire department shall provide information relative to prospective employees to a  
 2665 state law enforcement agency. Such local or state law enforcement agency shall be

2666 authorized to obtain conviction data with respect to such prospective employees of a local  
2667 or state fire department as authorized in this subsection. The local or state law  
2668 enforcement agency shall submit to the Georgia Crime Information Center two complete  
2669 sets of fingerprints of the applicant for appointment or employment, the required records  
2670 search fees, and such other information as may be required. Upon receipt thereof, the  
2671 Georgia Crime Information Center shall promptly transmit one set of fingerprints to the  
2672 Federal Bureau of Investigation for a search of bureau records and an appropriate report  
2673 and shall retain the other set and promptly conduct a search of its own records and  
2674 records to which it has access. The Georgia Crime Information Center shall notify the  
2675 local or state law enforcement agency in writing of any derogatory finding, including, but  
2676 not limited to, any conviction data regarding the fingerprint records check or if there is  
2677 no such finding. All conviction data received by the local or state law enforcement  
2678 agency shall not be a public record, shall be privileged, and shall not be disclosed to any  
2679 other person or agency except as provided in this subsection and except to any person or  
2680 agency which otherwise has a legal right to inspect the employment file. All such records  
2681 shall be maintained by the local or state law enforcement agency pursuant to laws  
2682 regarding such records and the rules and regulations of the Federal Bureau of  
2683 Investigation and the Georgia Crime Information Center, as applicable. As used in this  
2684 subsection, 'conviction data' means a record of a finding or verdict of guilty or plea of  
2685 guilty or plea of nolo contendere with regard to any crime, regardless of whether an  
2686 appeal of the conviction has been sought.

2687 (2) The local or state law enforcement agency shall provide to the chief of the fire  
2688 department which requested information on an applicant any criminal data indicating that  
2689 the applicant was convicted of a felony. Such information may be provided to the ~~council~~  
2690 commissioner. The provisions of paragraph (1) of this subsection relating to privileged  
2691 information and records of conviction data shall apply to any information provided by a  
2692 law enforcement agency to a fire department.

2693 25-4-9.

2694 (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall  
2695 successfully complete a basic training course. The ~~council~~ division shall determine the  
2696 course content, number of hours, and all other matters relative to basic firefighter training,  
2697 including airport rescue firefighter training. Upon satisfactory completion of such basic  
2698 training, a firefighter shall be issued a certificate of completion evidencing the same. Each  
2699 firefighter shall be required to successfully complete such basic training course within 12  
2700 months after being employed or appointed as a firefighter or, in the case of airport

2701 firefighters, within such time period as the ~~council~~ department may prescribe by rule or  
2702 regulation.

2703 (b) A firefighter certified by the ~~council~~ department may, upon termination of employment  
2704 from any fire department and upon agreement with a subsequently employing fire  
2705 department, transfer such certification to the employing fire department.

2706 (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire  
2707 department may refuse to accept the transfer of previously acquired certification and may  
2708 require any newly employed firefighter to complete the basic training course provided for  
2709 in subsection (a) of this Code section.

2710 25-4-10.

2711 As a condition of continued certification, all firefighters shall train, drill, or study at  
2712 schools, classes, or courses at the local, area, or state level, as specified by the ~~council~~  
2713 department. Authorized leaves of absence are expected.

2714 25-4-11.

2715 This chapter shall provide only the minimum qualification standards in training  
2716 requirements for firefighters in this state and does not restrict any employing agency from  
2717 setting and establishing requirements that exceed these minimum standards.

2718 25-4-12.

2719 ~~Except as otherwise provided in Article 2, nothing~~ Nothing in this chapter shall apply to  
2720 firefighters employed on July 1, 1971, and such firefighters are not required to meet the  
2721 requirements of Code Section 25-4-8 or ~~Code Section~~ 25-4-9 as a condition of tenure or  
2722 continued employment; nor shall their failure to fulfill such requirements make them  
2723 ineligible for any promotional examination for which they are otherwise eligible, affect in  
2724 any way any pension rights to which they are otherwise eligible, or affect in any way  
2725 pension rights to which they may be entitled on July 1, 1971. The ~~council~~ department shall  
2726 have the authority to investigate qualifications of, and in its discretion to issue certificates  
2727 to, those previously trained firefighters employed on July 1, 1971."

2728 **SECTION 16.**

2729 Said Title 25 is further amended by revising Chapter 7, relating to the Georgia Fire  
2730 Academy, as follows:

## 2731 "CHAPTER 7

2732 25-7-1.

2733 This chapter shall be known and may be cited as the '~~Georgia Fire Academy Act.~~ Georgia  
 2734 Fire and Emergency Services Training Act.'

2735 25-7-2.

2736 The Professional Development Division of the Department of Fire Safety ~~There is created~~  
 2737 ~~the Georgia Fire Academy, the purposes of which shall be, through training and research,~~  
 2738 charged with the duty of:

- 2739 (1) ~~Reducing~~ To reduce the costs in suffering and property loss resulting from fire;  
 2740 (2) ~~Providing~~ To provide professional training to paid, volunteer, and other publicly or  
 2741 privately employed firefighters at a minimal cost to them and their employers;  
 2742 (3) ~~Assisting, by providing training to~~ To assist the state and its counties, municipalities,  
 2743 and other political subdivisions and the officers thereof, in the investigation and  
 2744 determination of the causes of fires;  
 2745 (4) ~~Developing~~ To develop new methods of fire prevention and fire fighting;  
 2746 (5) ~~Providing~~ To provide facilities for testing fire-fighting and prevention equipment;  
 2747 and  
 2748 (6) ~~Assisting~~ To assist the state and its counties, municipalities, and other political  
 2749 subdivisions in the training and operations of fire department-related emergency medical  
 2750 services and rescue services.

2751 25-7-3.

2752 As used in this chapter, ~~'board'~~ the term:

- 2753 (1) 'Commissioner' means the ~~Board of Public Safety~~ commissioner of the Department  
 2754 of Fire Safety.  
 2755 (2) 'Department' means the Department of Fire Safety.  
 2756 (3) 'Director' means the director of the Professional Development Division of the  
 2757 Department of Fire Safety.  
 2758 (4) 'Division' means the Professional Development Division of the Department of Fire  
 2759 Safety.

2760 25-7-4.

2761 (a) The ~~Board of Public Safety~~ department is authorized and empowered to establish,  
 2762 operate, and maintain the Georgia Fire Academy through the Professional Development  
 2763 Division for the purposes enumerated in Code Section 25-7-2. The ~~board~~ department is

2764 authorized and empowered to do all things and to take whatever action is necessary to  
 2765 accomplish these purposes, including, but not limited to, the establishment and conduct of  
 2766 training programs and the promulgation of rules and regulations relative thereto. The ~~board~~  
 2767 commissioner shall select the ~~superintendent of the academy~~ director and shall fix the  
 2768 compensation for the ~~superintendent~~ director.

2769 ~~(b) The board is authorized and directed to create an advisory council to advise and assist~~  
 2770 ~~it in carrying out its duties and responsibilities under this chapter. The membership of the~~  
 2771 ~~advisory council shall be as the board determines, except that such membership shall~~  
 2772 ~~include at least one representative from each of the following organizations: the~~  
 2773 ~~Association County Commissioners of Georgia, the Georgia Municipal Association, and~~  
 2774 ~~the Insurance Services Office. The director of the Georgia Firefighter Standards and~~  
 2775 ~~Training Council shall also be a member of the advisory council. The members of the~~  
 2776 ~~advisory council shall serve without compensation, but they may be reimbursed in the same~~  
 2777 ~~manner as state officials and employees for travel and other expenses actually incurred by~~  
 2778 ~~them in carrying out their duties as members of the council.~~

2779 25-7-5.

2780 The ~~superintendent of the Georgia Fire Academy~~ director, with the approval of the  
 2781 commissioner, shall be responsible for the selection of a staff for the division. He or she  
 2782 shall also be responsible for the execution of all policies, programs, directives, and  
 2783 decisions promulgated by the ~~Board of Public Safety~~ department and for the direction of  
 2784 the staff and the daily operation of the ~~academy~~ division.

2785 25-7-6.

2786 ~~(a) The Georgia Fire Academy is assigned to the Department of Public Safety for~~  
 2787 ~~administrative purposes only, as described in Code Section 50-4-3.~~

2788 ~~(b) The Board of Public Safety~~ department is authorized to accept gifts, grants, and  
 2789 donations for the purposes of carrying out this chapter. The ~~board~~ department is also  
 2790 authorized to accept property, both real and personal, and services for the purposes of  
 2791 carrying out this chapter.

2792 25-7-7.

2793 Subject to the rules and regulations prescribed by the ~~Board of Public Safety~~ department,  
 2794 the training program of the ~~academy~~ division shall be made available to all firefighters and  
 2795 may also be made available to other persons who evidence interest in entering the  
 2796 fire-fighting profession. The ~~board~~ department is authorized to prescribe fees to cover all  
 2797 or a part of the cost of furnishing the training, under such rules and regulations as the ~~board~~

2798 department shall prescribe. The state, municipalities, and counties are authorized to expend  
 2799 funds for the purpose of paying such fees. The ~~board~~ department is given full authority to  
 2800 decide who shall be allowed to enroll in the training program of the ~~academy~~ division.

2801 25-7-8.

2802 It is not the intention of this chapter that it be mandatory that any firefighter be required to  
 2803 attend the ~~academy~~ training program of the division. The training program established at  
 2804 the ~~academy~~ division shall not supersede any training program for firefighters now in  
 2805 existence or hereafter established but shall be separate and apart from any other training  
 2806 programs for firefighters.

2807 25-7-9.

2808 The department shall succeed to all rules, regulations, policies, procedures, and pending  
 2809 and finalized administrative orders of the Georgia Fire Academy which are in effect on  
 2810 June 30, 2013. Such rules, regulations, policies, and procedures shall remain in effect until  
 2811 amended, repealed, superseded, or nullified by the commissioner.

2812 25-7-10.

2813 All valid agreements, licenses, permits, certificates, and similar authorizations previously  
 2814 issued by the Georgia Fire Academy with respect to any function transferred to the  
 2815 department as provided in this chapter shall continue in effect until the same expire by their  
 2816 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
 2817 law.

2818 25-7-11.

2819 Effective July 1, 2013, the department shall carry out all of the functions and obligations  
 2820 and exercise all of the powers formerly held by the Georgia Fire Academy. All persons  
 2821 employed by and positions authorized for the Georgia Fire Academy shall, on July 1, 2013,  
 2822 be transferred to the department. All office equipment, furniture, and other assets and real  
 2823 property in possession of the Georgia Fire Academy which are used or held exclusively or  
 2824 principally by personnel transferred under this chapter shall continue to be used or held by  
 2825 the department."

2826

#### **SECTION 17.**

2827 Said Title 25 is further amended by revising Code Section 25-8-2, relating to definitions  
 2828 regarding the regulation of blasting operations generally, as follows:

2829 "25-8-2.

2830 As used in this chapter, the term:

2831 (1) 'Blaster' means a person qualified by reason of training, knowledge, or experience to  
 2832 fire or detonate explosives in blasting operations and who has in his possession a valid  
 2833 blaster's license issued by the ~~Commissioner~~ commissioner.

2834 (2) 'Blasting operation' means the use of explosives in the blasting of stone, rock, ore, or  
 2835 any other natural formation or in any construction or demolition work but shall not  
 2836 include the use of explosives in agricultural operations and private and personal use of  
 2837 explosives in remote areas for such operations as ditching, land clearing, destruction of  
 2838 beaver dams and other such operations when not in close proximity to adjacent property.  
 2839 This chapter shall not apply to any blasting operation in which the charge weight is 200  
 2840 pounds or less.

2841 (3) 'Charge weight' means the total weight in pounds of an explosive charge.

2842 (4) 'Charge weight per delay' means the weight in pounds of an explosive charge which  
 2843 is detonated per delay period for delay intervals of eight milliseconds or greater or the  
 2844 total weight of explosives in pounds which is detonated within an interval less than eight  
 2845 milliseconds.

2846 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of the  
 2847 Department of Fire Safety.

2848 (6) 'Delay initiation' means the detonation of the subcharge of explosives in  
 2849 predetermined sequence which is accomplished by using regular or short period delay  
 2850 electric blasting caps or other means of equivalent effectiveness.

2851 (7) 'Delay period' means the time interval in milliseconds (eight milliseconds or greater)  
 2852 between successive detonations of subchargers produced by the delay devices used.

2853 (8) 'Distance' means the actual distance in feet along ground contour to the nearest house,  
 2854 public building, school, church, or commercial or institutional building normally  
 2855 occupied.

2856 (9) 'Explosives' means any chemical compound or other substance or mechanical system  
 2857 intended for the purpose of producing an explosion or containing oxidizing and  
 2858 combustible units or other ingredients in such proportions or quantities that ignition by  
 2859 fire, by friction, by concussion, by percussion, or by detonator may produce an explosion  
 2860 capable of causing injury to persons or damage to property.

2861 (10) 'Particle velocity' means the velocity with which an earth particle moves when  
 2862 vibrating or oscillating in any manner from its position of rest or elastic equilibrium.

2863 (11) 'Person' means any individual, public or private corporation, political subdivision,  
 2864 government agency, municipality, industry, partnership, association, firm, trust, estate,  
 2865 or other entity whatsoever.

2866 (12) 'Scaled distance' or 'Ds' means the actual distance (D) in feet divided by the square  
 2867 root of the maximum charge weight (W) in pounds that is detonated per delay period.

2868 This means:

$$2869 \quad D_s = \frac{D}{\sqrt{W}}$$

2870  
2871

$$2872 \quad \text{Scaled distance} = \frac{\text{Actual distance}}{\sqrt{\text{charge weight per delay interval}}}$$

2873  
2874

2875 **SECTION 18.**

2876 Said Title 25 is further amended by revising Code Section 25-8-3, relating to requirements  
 2877 governing use of explosives in blasting generally, as follows:

2878 "25-8-3.

2879 (a) The use of explosives for the purpose of blasting in the neighborhood of any public  
 2880 highway, railroad, airport, dwelling house, public building, school, church, commercial or  
 2881 institutional building, or pipeline shall be done in accordance with this chapter and the rules  
 2882 and regulations promulgated by the ~~Commissioner~~ commissioner.

2883 (b) In all blasting operations, except as otherwise provided in this chapter, the maximum  
 2884 particle velocity of any component of ground motion recorded on a three-component  
 2885 seismograph (where the components — transverse, vertical, and longitudinal — are  
 2886 arranged mutually perpendicular) shall not exceed two inches per second at the location of  
 2887 any dwelling house, public building, school, church, or commercial or institutional building  
 2888 normally occupied.

2889 (c) Blasting operations without instrumentation will be considered as being within the  
 2890 limits set forth in this Code section if such blasting operations are conducted in accordance  
 2891 with subsection (d) of this Code section.

2892 (d) Any blasting operation may be conducted without reference to any maximum amount  
 2893 or period provided by this Code section if the person in charge of the blasting operation  
 2894 demonstrates by instrumentation that maximum particle velocity of any component of the  
 2895 ground motion does not exceed the limits provided in subsection (b) of this Code section.

2896 (e) Instrumentation for determining particle velocity of ground motion, as set forth in this  
 2897 chapter, shall be limited to devices that conform with design criteria for portable  
 2898 seismographs as found in the United States Bureau of Mines, RI-6487 and United States  
 2899 Bureau of Mines Bulletin 656. The instrument should have calibration traceable to the  
 2900 United States Bureau of Standards. The ~~Commissioner~~ commissioner or his or her duly  
 2901 authorized agent may enter upon premises for the purpose of observing any necessary  
 2902 instrumentation provided by this chapter.

2903 (f) When blasting operations, other than those conducted at a fixed site as a part of any  
 2904 industry or business operated at the site, are to be conducted within close proximity to a  
 2905 known pipeline, the blaster or person in charge of the blasting operations shall take  
 2906 reasonable precautionary measures for the protection of the line and shall notify the owner  
 2907 of the line or his or her agent that the blastings are intended.

2908 (g) Blasting operations shall not be conducted within close proximity to any public  
 2909 highway unless reasonable precautionary measures are taken to safeguard the public.

2910 (h) When blasting operations are conducted at the immediate location of any dwelling  
 2911 house, public building, school, church, or commercial or institutional building which would  
 2912 result in ground vibrations having a particle velocity exceeding the limits provided by this  
 2913 chapter, such blasting operations may proceed after the receipt of written consent from the  
 2914 property owner or owners affected."

2915

### SECTION 19.

2916 Said Title 25 is further amended by revising Code Section 25-8-7, relating to refusal,  
 2917 suspension, or revocation of license, as follows:

2918 "25-8-7.

2919 Issuance of a license for the use of explosives may be refused or such a license which has  
 2920 been duly issued may be suspended or revoked or the renewal thereof refused by the  
 2921 ~~Commissioner~~ commissioner if the ~~Commissioner~~ commissioner finds that the applicant  
 2922 for or the holder of the license:

2923 (1) Has violated any provision of this chapter or of any other law of this state or any  
 2924 regulation duly promulgated by the ~~Commissioner~~ commissioner;

2925 (2) Has intentionally misrepresented or concealed any material fact in the application for  
 2926 the license or any document filed in support thereof;

2927 (3) Has permitted any person in his or her employ, either by direct instruction or by  
 2928 reasonable implication, to violate this chapter;

2929 (4) Has been convicted of a felony by final judgment in any state or federal court;

2930 (5) Has failed to comply with or has violated any proper order, rule, or regulation issued  
 2931 by the ~~Commissioner~~ commissioner; or

2932 (6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a  
 2933 blaster."

2934

### SECTION 20.

2935 Said Title 25 is further amended by revising Code Section 25-8-9, relating to promulgation  
 2936 of rules and regulations by commissioner and forms, as follows:

2937 "25-8-9.  
 2938 The ~~Commissioner~~ commissioner may promulgate such rules and regulations, neither  
 2939 inconsistent nor contradictory with this chapter, as he or she deems necessary to effectuate  
 2940 this chapter. The ~~Commissioner~~ commissioner may also prescribe the forms required for  
 2941 the administration of this chapter."

#### 2942 SECTION 21.

2943 Said Title 25 is further amended by revising Code Section 25-8-10, relating to approval by  
 2944 commissioner of variations from requirements of chapter, as follows:

2945 "25-8-10.

2946 The ~~Commissioner~~ commissioner may approve variations from the requirements of this  
 2947 chapter when he or she finds that an emergency exists and that the proposed variations  
 2948 from the specific requirements are necessary, will not hinder the effective administration  
 2949 of this chapter, and will not be contrary to any other applicable law, either state or federal."

#### 2950 SECTION 22.

2951 Said Title 25 is further amended by revising Code Section 25-8-11, relating to powers of  
 2952 commissioner for enforcement of chapter, rules, and regulations generally and privileged  
 2953 nature of evidence submitted to commissioner, as follows:

2954 "25-8-11.

2955 (a) Whenever it appears to the ~~Commissioner~~ commissioner, either upon investigation or  
 2956 otherwise, that any person has engaged in, is engaging in, or is about to engage in any act,  
 2957 practice, or transaction which is prohibited by this chapter or by any rule, regulation, or  
 2958 order of the ~~Commissioner~~ commissioner promulgated or issued pursuant to this chapter  
 2959 or which is declared to be unlawful under this chapter, the ~~Commissioner~~ commissioner,  
 2960 in his or her discretion and if he or she deems it to be appropriate in the public interest or  
 2961 for the protection of the citizens of this state, may issue an order prohibiting the person  
 2962 from continuing the act, practice, or transaction.

2963 (b) Other powers granted to the ~~Commissioner~~ commissioner for the enforcement of this  
 2964 chapter include, but are not limited to, the following:

2965 (1) The ~~Commissioner~~ commissioner may institute actions or other legal proceedings in  
 2966 any superior court of proper venue. Thereupon, the superior court, among other  
 2967 appropriate relief, may issue injunctions restraining persons and those acting in active  
 2968 concert with them from engaging in acts prohibited by the ~~Commissioner~~ commissioner  
 2969 in the enforcement of this chapter;

2970 (2) In addition to any other penalties provided in this chapter, the ~~Commissioner~~  
 2971 commissioner shall have authority to place a licensee on probation for a period of time

2972 not to exceed one year or to impose a monetary fine of up to \$1,000.00, or to do both, for  
 2973 each and every violation of this chapter or of the rules and regulations or orders of the  
 2974 ~~Commissioner~~ commissioner promulgated pursuant thereto; and

2975 (3) The ~~Commissioner~~ commissioner or his or her designee shall have investigatorial  
 2976 powers and shall be empowered to subpoena witnesses and to examine them under oath.

2977 (c) All testimony, documents, and other evidence required to be submitted to the  
 2978 ~~Commissioner~~ commissioner pursuant to this chapter shall be privileged."

2979 **SECTION 23.**

2980 Said Title 25 is further amended by revising Code Section 25-8-12, relating to penalties for  
 2981 violations of chapter, rules, regulations, or orders, and adding a new Code section to read as  
 2982 follows:

2983 "25-8-12.

2984 Any person who violates this chapter or any rule, regulation, or order promulgated by the  
 2985 ~~Commissioner~~ commissioner pursuant to this chapter shall be guilty of a misdemeanor and,  
 2986 upon conviction thereof, shall be punished by a fine of not less than \$500.00 and not more  
 2987 than \$1,000.00.

2988 25-8-13.

2989 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,  
 2990 procedures, and pending and finalized administrative orders of the Safety Fire  
 2991 Commissioner under this chapter which are in effect on June 30, 2013. Such rules,  
 2992 regulations, policies, and procedures shall remain in effect until amended, repealed,  
 2993 superseded, or nullified by the commissioner.

2994 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
 2995 previously issued by the Safety Fire Commissioner with respect to any function transferred  
 2996 to the Department of Fire Safety shall continue in effect until the same expire by their  
 2997 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
 2998 law.

2999 (c) Effective July 1, 2013, the Department of Fire Safety shall carry out all of the functions  
 3000 and obligations and exercise all of the powers formerly held by the Safety Fire  
 3001 Commissioner under this chapter."

3002 **SECTION 24.**

3003 Said Title 25 is further amended by revising Chapter 10, relating to regulation of fireworks,  
 3004 as follows:

## 3005 "CHAPTER 10

3006 25-10-1.

3007 (a) As used in this chapter, the term:

3008 (1) 'Commissioner' means the commissioner of the Department of Fire Safety.

3009 ~~(1)~~(2) 'Fireworks' means any combustible or explosive composition or any substance or  
 3010 combination of substances or article prepared for the purpose of producing a visible or  
 3011 audible effect by combustion, explosion, deflagration, or detonation, including blank  
 3012 cartridges, balloons requiring fire underneath to propel them, firecrackers, torpedos,  
 3013 skyrockets, Roman candles, bombs, sparklers, and other combustibles and explosives of  
 3014 like construction, as well as articles containing any explosive or flammable compound  
 3015 and tablets and other devices containing an explosive substance.

3016 ~~(2)~~(3) 'Proximate audience' means an audience closer to pyrotechnic devices than  
 3017 permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks*  
 3018 *Display*, as adopted by the Safety Fire Commissioner.

3019 ~~(3)~~(4) 'Pyrotechnics' means fireworks.

3020 (b) As used in this chapter, the term 'fireworks' shall not include:

3021 (1) Model rockets and model rocket engines designed, sold, and used for the purpose of  
 3022 propelling recoverable aero models, toy pistol paper caps in which the explosive content  
 3023 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy  
 3024 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term  
 3025 'fireworks' include ammunition consumed by weapons used for sporting and hunting  
 3026 purposes; and

3027 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling  
 3028 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical  
 3029 compound per tube or a total of 200 grams or less for multiple tubes; snake and glow  
 3030 worms; trick noise makers which include paper streamers, party poppers, string poppers,  
 3031 snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

3032 25-10-2.

3033 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to  
 3034 offer for sale at retail or wholesale, to use or explode or cause to be exploded, or to possess,  
 3035 manufacture, transport, or store any fireworks, except as otherwise provided in this chapter.

3036 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful  
 3037 for any person, firm, corporation, association, or partnership to sell to any person under  
 3038 18 years of age any items defined in paragraph (2) of subsection (b) of Code  
 3039 Section 25-10-1.

3040 (2) It shall be unlawful to sell any items defined in paragraph (2) of subsection (b) of  
3041 Code Section 25-10-1 to any person by any means other than an in-person, face-to-face  
3042 sale. Such person shall provide proper identification to the seller at the time of such  
3043 purchase. For purposes of this paragraph, the term 'proper identification' means any  
3044 document issued by a governmental agency containing a description of the person, such  
3045 person's photograph, or both, and giving such person's date of birth and includes without  
3046 being limited to, a passport, military identification card, driver's license, or an  
3047 identification card authorized under Code Sections 40-5-100 through 40-5-104.

3048 (3) It shall be unlawful to use any items defined in paragraph (2) of subsection (b) of  
3049 Code Section 25-10-1 indoors.

3050 25-10-3.

3051 Nothing in this chapter shall be construed to prohibit the following:

3052 (1) The wholesale or retail sale of fireworks for use in a public exhibition or public  
3053 display and the transportation of fireworks for such use, provided that any person selling  
3054 at wholesale or retail or transporting fireworks for such use must have a duplicate copy  
3055 of the permit which has been issued by the judge of the probate court to a person, firm,  
3056 corporation, association, or partnership which has been authorized to hold a public  
3057 exhibition or display, and provided, further, that the seller maintains and makes available  
3058 for inspection by the ~~Safety Fire Commissioner~~ commissioner or the designee thereof the  
3059 record of any such fireworks sale for a period of 18 months from the date of sale;

3060 (2) Use by railroads or other transportation agencies of fireworks specifically designed  
3061 and intended for signal purposes or illumination;

3062 (3) The sale or use of blank cartridges for a show or theater or for signal or ceremonial  
3063 purposes in athletic or sports events or for use by military or police organizations; or

3064 (4) The manufacture of any fireworks not prohibited by Congress or any federal agency;  
3065 the possession, transportation, and storage of any such fireworks by any manufacturer  
3066 thereof; the storage of certain such fireworks by a nonmanufacturer in accordance with  
3067 the provisions of Code Section 25-10-3.1; the possession, transportation, or distribution  
3068 of any such fireworks to a distributor located outside this state; the sale of such fireworks  
3069 by any such manufacturer to a distributor located outside this state; or the possession and  
3070 transportation of such fireworks by any manufacturer or contractor or common carrier  
3071 from the point of manufacture within this state to any point outside this state.

3072 25-10-3.1.

3073 (a) Fireworks defined as Class B explosives or the equivalent thereof by regulations of the  
3074 United States Department of Transportation set forth in Part 173 of Title 49 of the Code of  
3075 Federal Regulations and which are to be used only for purposes of a public exhibition or  
3076 display pursuant to Code Section 25-10-4 may be stored by a person, firm, or corporation,  
3077 other than a manufacturer, pursuant to a magazine license issued by the ~~Safety Fire~~  
3078 ~~Commissioner~~ commissioner in accordance with the provisions of this Code section. Any  
3079 application for such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner  
3080 in a form to be prescribed by the ~~Commissioner~~ commissioner. The application shall  
3081 include a letter of acknowledgment and endorsement from the local authority having  
3082 responsibility for fire suppression.

3083 (b) Any application for a magazine license made pursuant to subsection (a) of this Code  
3084 section shall be accompanied by plans for the magazine proposed to be used for storage of  
3085 Class B explosives or the equivalent thereof, in such detail and in such number of copies  
3086 as required by the ~~Safety Fire Commissioner~~ commissioner. Construction of a magazine  
3087 for storage of fireworks pursuant to this Code section shall not commence until the plans  
3088 therefor have been approved by the state fire marshal and returned to the applicant.

3089 (c) No license shall be issued pursuant to this Code section unless:

3090 (1) The applicant currently holds a valid license or permit to receive explosive materials  
3091 including Class B explosives or the equivalent thereof issued pursuant to regulations of  
3092 the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the  
3093 Treasury;

3094 (2) The applicant presents a copy of a valid permit for a public exhibition or display of  
3095 fireworks issued pursuant to Code Section 25-10-4;

3096 (3) The state fire marshal or the designee thereof has determined upon inspection that the  
3097 constructed magazine meets or exceeds the requirements for magazines to be used for  
3098 storing Class B explosives or the equivalent thereof as established by regulations and  
3099 adopted codes and standards of the ~~Safety Fire~~ Commissioner; and

3100 (4) The state fire marshal or the designee thereof has determined upon inspection that the  
3101 constructed magazine meets or exceeds any additional requirements applicable to  
3102 magazines to be used for storage of Class B explosives or the equivalent thereof by  
3103 nonmanufacturers as may be established by regulation promulgated pursuant to Code  
3104 Section 25-10-5.

3105 (d) Any license issued pursuant to this Code section shall be subject to the annual license  
3106 fee and expiration date provisions of Code Section 25-10-5. The initial annual fee for a  
3107 magazine license shall be submitted along with the application for such license.

3108 (e) Any fireworks stored under any magazine license issued pursuant to this Code section  
3109 shall be stored in an approved magazine and in accordance with the regulations for storing  
3110 Class B explosives or the equivalent thereof as established by regulations of the ~~Safety Fire~~  
3111 ~~Commissioner~~ commissioner and any additional requirements for storage of such  
3112 explosives by nonmanufacturers as may be established by regulation promulgated pursuant  
3113 to Code Section 25-10-5, for a period of time not to exceed 60 days before and 60 days  
3114 after the permitted date of a public exhibition or display of fireworks pursuant to Code  
3115 Section 25-10-4.

3116 (f) Any violation of the provisions of this Code section shall be grounds for revoking a  
3117 magazine license.

3118 25-10-3.2.

3119 (a) No person, firm, corporation, association, or partnership shall cause the combustion,  
3120 explosion, deflagration, or detonation of pyrotechnics for the purpose of a public exhibition  
3121 or display before a proximate audience unless such person, firm, corporation, association,  
3122 or partnership holds a valid license issued by the ~~Safety Fire Commissioner~~ commissioner  
3123 in accordance with the provisions of this Code section. Any application for such a license  
3124 shall be made to the ~~Safety Fire Commissioner~~ commissioner in the form prescribed by the  
3125 ~~Safety Fire Commissioner~~ commissioner.

3126 (b) All applicants must meet the following requirements for licensure:

3127 (1) The applicant shall submit to the ~~Safety Fire Commissioner~~ commissioner proof of  
3128 a valid comprehensive liability insurance policy purchased from an insurer authorized to  
3129 do business in Georgia. The coverage must include bodily injury and property damage,  
3130 products liability, completed operations, and contractual liability. The proof of insurance  
3131 must also be provided before any license can be renewed. The minimum amount of said  
3132 coverage shall be \$1 million or such other amount as specified by the ~~Safety Fire~~  
3133 ~~Commissioner~~ commissioner. An insurer that provided such coverage shall notify the  
3134 ~~Safety Fire Commissioner~~ commissioner of any change in coverage;

3135 (2) The applicant shall pay the required licensing fee as prescribed in Code  
3136 Section 25-10-5; and

3137 (3) The applicant shall comply with all rules and regulations promulgated by the ~~Safety~~  
3138 ~~Fire Commissioner~~ commissioner pursuant to this chapter.

3139 (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to  
3140 conduct pyrotechnic displays.

3141 25-10-4.

3142 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public  
 3143 exhibition or display of fireworks not before a proximate audience shall first obtain a  
 3144 permit from the judge of the probate court of the county in which the public exhibition or  
 3145 display is to be held. Application for a permit must be made in writing and filed with the  
 3146 judge not less than ten days prior to the date of the proposed public exhibition or display  
 3147 of fireworks. Fireworks distributors located outside this state shall obtain display permit  
 3148 application forms and provide the same to applicants upon request. The judge may grant  
 3149 a permit for the display on the following conditions:

3150 (1) That the display be conducted by a competent operator approved by the judge;

3151 (2) That the display shall be of such character as in the opinion of the judge will not be  
 3152 hazardous to persons or property;

3153 (3) That the local fire official responsible for the area in question certifies in writing that  
 3154 the site for the display meets his or her approval and is in compliance with all applicable  
 3155 codes; and

3156 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,  
 3157 payable to the county in which the display is being held and conditioned for the payment  
 3158 of damages which may be caused either to persons or to property by reason of the display  
 3159 or, alternatively, that the application be accompanied by evidence that the applicant  
 3160 carries proper liability insurance for bodily injury in the amount of not less than  
 3161 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage  
 3162 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,  
 3163 with an insurance company duly licensed by the Commissioner of Insurance.

3164 (b) Any person, firm, corporation, association, or partnership desiring to conduct a public  
 3165 exhibition or display of fireworks before a proximate audience shall first obtain a permit  
 3166 from the judge of the probate court of the county in which the public exhibition or display  
 3167 is to be held. Application for a permit must be made in writing and filed with the judge not  
 3168 less than ten days prior to the date of the proposed public exhibition or display of  
 3169 fireworks. Such application must contain the license number issued by the ~~Safety Fire~~  
 3170 ~~Commissioner~~ commissioner for the person, firm, corporation, association, or partnership  
 3171 that will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the  
 3172 public exhibition or display. Fireworks distributors located outside this state shall obtain  
 3173 display permit application forms and provide the same to applicants upon request. The  
 3174 judge may grant a permit for the display on the following conditions:

3175 (1) That the display be conducted by a competent operator approved by the judge;

3176 (2) That the display shall be of such character as in the opinion of the judge will not be  
 3177 hazardous to persons or property;

3178 (3) That the local fire official responsible for the area in question certifies in writing that  
 3179 the site for the display meets his or her approval and is in compliance with all applicable  
 3180 codes; and

3181 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,  
 3182 payable to the county in which the display is being held and conditioned for the payment  
 3183 of damages that may be caused either to persons or to property by reason of the display  
 3184 or, alternatively, that the application be accompanied by evidence that the applicant  
 3185 carries property liability insurance for bodily injury in the amount of not less than  
 3186 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage  
 3187 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,  
 3188 with an insurance company duly licensed by the Commissioner of Insurance.

3189 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be  
 3190 granted unless the applicant has met all the requirements of and is in full compliance with  
 3191 the rules and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner  
 3192 pursuant to this chapter.

3193 (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited  
 3194 to the time specified therein, such time not to exceed a two-week period. The permit shall  
 3195 not be transferable. In the event any fireworks bought and possessed under this Code  
 3196 section are not used by the licensee or in the event that there is a surplus or excess after the  
 3197 two-week period expires, it shall be the duty of the licensee to return such fireworks to a  
 3198 facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations  
 3199 promulgated by the ~~Safety Fire Commissioner~~ commissioner. Fireworks stored in  
 3200 accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband  
 3201 and shall not be subject to seizure.

3202 (e) The judge of the probate court shall receive \$10.00 for his or her services in granting  
 3203 or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.  
 3204 The judge of the probate court shall provide the ~~Safety Fire Commissioner~~ commissioner  
 3205 a copy of each permit granted prior to the proposed date of the public exhibition or display.

3206 25-10-4.1.

3207 No person under the age of 18 shall be employed to work at any magazine, or at any  
 3208 facility containing a magazine, wherein fireworks are stored or to work in any public  
 3209 exhibition or display of fireworks.

3210 25-10-5.

3211 The annual license fee for any person, firm, or corporation conducting business in this state  
 3212 under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code

3213 Section 25-10-3.1 or conducting pyrotechnic displays under Code Section 25-10-3.2 shall  
3214 be \$1,500.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner. The license  
3215 shall expire on December 31 of each year. The ~~Safety Fire Commissioner~~ commissioner  
3216 is authorized and directed to promulgate safety regulations relating to the manufacture,  
3217 storage, and transportation of fireworks within this state in order to ensure the adequate  
3218 protection of the employees of any such person, firm, or corporation and of the general  
3219 public. The ~~Safety Fire Commissioner~~ commissioner is also authorized and directed to  
3220 promulgate safety regulations relating to the public exhibition or display of pyrotechnics  
3221 and the licensing requirements of those conducting such public exhibitions or displays, as  
3222 he or she deems necessary. The ~~Safety Fire Commissioner~~ commissioner is further  
3223 authorized and directed to conduct periodic inspections of the facilities of any person, firm,  
3224 or corporation manufacturing, storing, and transporting fireworks as provided in paragraph  
3225 (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order to ensure  
3226 compliance with fire safety rules and regulations.

3227 25-10-6.

3228 All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this  
3229 chapter are declared to be contraband and may be seized, taken, and removed, or caused  
3230 to be removed and destroyed at the expense of the owner thereof by the state fire marshal,  
3231 the Georgia State Patrol, or any sheriff or local police official.

3232 25-10-7.

3233 This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over  
3234 which the ~~Safety Fire Commissioner~~ commissioner has regulatory control.

3235 25-10-8.

3236 (a) Any person, firm, corporation, association, or partnership that violates Code  
3237 Section 25-10-3.2 shall be guilty of a felony and shall be punished by imprisonment for not  
3238 less than two nor more than ten years, or by a fine of not more than \$10,000.00, or both.

3239 (b) Any person, firm, corporation, association, or partnership that violates any other  
3240 provision of this chapter shall be guilty of a misdemeanor.

3241 25-10-9.

3242 Notwithstanding any provision of this chapter to the contrary, any person, firm,  
3243 corporation, association, or partnership who or which knowingly violates subsection (b)  
3244 of Code Section 25-10-2 may be punished by a fine not to exceed \$100.00. Each sales

3245 transaction in violation of subsection (b) of Code Section 25-10-2 shall be a separate  
3246 offense.

3247 25-10-10

3248 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,  
3249 procedures, and pending and finalized administrative orders of the Safety Fire  
3250 Commissioner under this chapter which are in effect on June 30, 2013. Such rules,  
3251 regulations, policies, and procedures shall remain in effect until amended, repealed,  
3252 superseded, or nullified by the commissioner.

3253 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
3254 previously issued by the Safety Fire Commissioner with respect to any function transferred  
3255 to the Department of Fire Safety shall continue in effect until the same expire by their  
3256 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
3257 law.

3258 (c) Effective July 1, 2013, the Department of Fire Safety shall carry out all of the functions  
3259 and obligations and exercise all of the powers formerly held by the Safety Fire  
3260 Commissioner under this chapter."

3261 **SECTION 25.**

3262 Said Title 25 is further amended by revising Chapter 14, relating to Georgia fire safety  
3263 standard and firefighter protection, as follows:

3264 "CHAPTER 14

3265 25-14-1.

3266 This chapter shall be known and may be cited as the 'Georgia Fire Safety Standard and  
3267 Firefighter Protection Act.'

3268 25-14-2.

3269 As used in this chapter, the term:

3270 (1) 'Agent' means any person authorized by the state revenue commissioner to purchase  
3271 and affix stamps on packages of cigarettes.

3272 (2) 'Cigarette' means:

3273 (A) Any roll for smoking made wholly or in part of tobacco when the cover of the roll  
3274 is paper or any substance other than tobacco; or

3275 (B) Any roll for smoking wrapped in any substance containing tobacco which, because  
3276 of its appearance, the type of tobacco used in the filler, or its packaging and labeling,

3277 is likely to be offered to, or purchased by, consumers as a cigarette as described in  
3278 subparagraph (A) of this paragraph.

3279 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of the  
3280 Department of Fire Safety.

3281 (4) 'Manufacturer' means:

3282 (A) Any entity which manufactures, makes, produces, or causes to be produced  
3283 cigarettes sold in this state or cigarettes said entity intends to be sold in this state;

3284 (B) The first purchaser of cigarettes manufactured anywhere that intends to resell such  
3285 cigarettes in this state regardless of whether the original manufacturer, maker, or  
3286 producer intends such cigarettes to be sold in the United States; or

3287 (C) Any entity which becomes a successor of an entity described in subparagraph (A)  
3288 or (B) of this paragraph.

3289 (4.1) 'New York Fire Safety Standards for Cigarettes' means those New York Fire Safety  
3290 Standards for Cigarettes in effect on April 1, 2008.

3291 (5) 'Quality control and quality assurance program' means the laboratory procedures  
3292 implemented to ensure that operator bias, systematic and nonsystematic methodological  
3293 errors, and equipment related problems do not affect the results of the testing. Such a  
3294 program ensures that the testing repeatability remains within the required repeatability  
3295 values stated in paragraph (6) of subsection (b) of Code Section 25-14-3 for all test trials  
3296 used to certify cigarettes in accordance with this chapter.

3297 (6) 'Repeatability' means the range of values within which the repeat results of cigarette  
3298 test trials from a single laboratory will fall 95 percent of the time.

3299 (7) 'Retail dealer' means any person, other than a manufacturer or wholesale dealer,  
3300 engaged in selling cigarettes or tobacco products.

3301 (8) 'Sale' means any sale, transfer, exchange, theft, barter, gift, or offer for sale and  
3302 distribution in any manner or by any means whatever.

3303 (9) 'Sell' means to sell or to offer or agree to do the same.

3304 (10) 'Wholesale dealer' means any person that is not a manufacturer who sells cigarettes  
3305 or tobacco products to retail dealers or other persons for purposes of resale. A wholesale  
3306 dealer is also any person who owns, operates, or maintains one or more cigarette or  
3307 tobacco product vending machines in, at, or upon premises owned or occupied by any  
3308 other person.

3309 25-14-3.

3310 (a) Except as provided in subsection (h) of this Code section, no cigarettes may be sold or  
3311 offered for sale in this state or offered for sale or sold to persons located in this state unless  
3312 the cigarettes have been tested in accordance with the test method and meet the

3313 performance standard specified in this Code section, a written certification has been filed  
3314 by the manufacturer in accordance with Code Section 25-14-4, and the cigarettes have been  
3315 marked in accordance with Code Section 25-14-5.

3316 (b)(1) Testing of cigarettes shall be conducted in accordance with the American Society  
3317 of Testing and Materials (ASTM) Standard E2187-04, 'Standard Test Method for  
3318 Measuring the Ignition Strength of Cigarettes.'

3319 (2) Testing shall be conducted on ten layers of filter paper.

3320 (3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this  
3321 Code section shall exhibit full-length burns. Forty replicate tests shall comprise a  
3322 complete test trial for each cigarette tested.

3323 (4) The performance standard required by this Code section shall only be applied to a  
3324 complete test trial.

3325 (5) Written certifications shall be based upon testing conducted by a laboratory that has  
3326 been accredited pursuant to standard ISO/IEC 17025 of the International Organization  
3327 for Standardization (ISO) or other comparable accreditation standard required by the  
3328 ~~Commissioner~~ commissioner.

3329 (6) Laboratories conducting testing in accordance with this Code section shall implement  
3330 a quality control and quality assurance program that includes a procedure that will  
3331 determine the repeatability of the testing results. The repeatability value shall be no  
3332 greater than 0.19.

3333 (7) This Code section does not require additional testing if cigarettes are tested consistent  
3334 with this chapter for any other purpose.

3335 (8) Testing performed or sponsored by the ~~Commissioner~~ commissioner to determine a  
3336 cigarette's compliance with the performance standard required shall be conducted in  
3337 accordance with this Code section.

3338 (c) Each cigarette listed in a certification submitted pursuant to Code Section 25-14-4 that  
3339 uses lowered permeability bands in the cigarette paper to achieve compliance with the  
3340 performance standard set forth in this Code section shall have at least two nominally  
3341 identical bands on the paper surrounding the tobacco column. At least one complete band  
3342 shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes  
3343 on which the bands are positioned by design, there shall be at least two bands fully located  
3344 at least 15 millimeters from the lighting end and ten millimeters from the filter end of the  
3345 tobacco column, or ten millimeters from the labeled end of the tobacco column for  
3346 nonfiltered cigarettes.

3347 (d) A manufacturer of a cigarette that the ~~Commissioner~~ commissioner determines cannot  
3348 be tested in accordance with the test method prescribed in paragraph (1) of subsection (b)  
3349 of this Code section shall propose a test method and performance standard for the cigarette

3350 to the ~~Commissioner~~ commissioner. Upon approval of the proposed test method and a  
3351 determination by the ~~Commissioner~~ commissioner that the performance standard proposed  
3352 by the manufacturer is equivalent to the performance standard prescribed in paragraph (3)  
3353 of subsection (b) of this Code section, the manufacturer may employ such test method and  
3354 performance standard to certify such cigarette pursuant to Code Section 25-14-4. If the  
3355 ~~Commissioner~~ commissioner determines that another state has enacted reduced cigarette  
3356 ignition propensity standards that include a test method and performance standard that are  
3357 the same as those contained in this chapter, and the ~~Commissioner~~ commissioner finds that  
3358 the officials responsible for implementing those requirements have approved the proposed  
3359 alternative test method and performance standard for a particular cigarette proposed by a  
3360 manufacturer as meeting the fire safety standards of that state's law or regulation under a  
3361 legal provision comparable to this Code section, then the ~~Commissioner~~ commissioner  
3362 shall authorize that manufacturer to employ the alternative test method and performance  
3363 standard to certify that cigarette for sale in this state, unless the ~~Commissioner~~  
3364 commissioner demonstrates a reasonable basis why the alternative test should not be  
3365 accepted under this chapter. All other applicable requirements of this Code section shall  
3366 apply to the manufacturer.

3367 (e) Each manufacturer shall maintain copies of the reports of all tests conducted on all  
3368 cigarettes offered for sale for a period of three years, and shall make copies of these reports  
3369 available to the ~~Commissioner~~ commissioner and the Attorney General upon written  
3370 request. Any manufacturer who fails to make copies of these reports available within 60  
3371 days of receiving a written request shall be subject to a civil penalty not to exceed  
3372 \$10,000.00 for each day after the sixtieth day that the manufacturer does not make such  
3373 copies available.

3374 (f) The ~~Commissioner~~ commissioner may adopt a subsequent ASTM Standard Test  
3375 Method for Measuring the Ignition Strength of Cigarettes upon a finding that such  
3376 subsequent method does not result in a change in the percentage of full-length burns  
3377 exhibited by any tested cigarette when compared to the percentage of full-length burns the  
3378 same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04  
3379 and the performance standard in paragraph (3) of subsection (b) of this Code section.

3380 (g) The ~~Commissioner~~ commissioner shall review the effectiveness of this Code section  
3381 and report his or her findings every three years to the General Assembly and, if appropriate,  
3382 recommendations for legislation to improve the effectiveness of this chapter. The report  
3383 and legislative recommendations shall be submitted no later than June 30 following the  
3384 conclusion of each three-year period.

3385 (h) The requirements of subsection (a) of this Code section shall not prohibit:

3386 (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or  
 3387 after January 1, 2010, if the wholesale or retailer dealer can establish that state tax stamps  
 3388 were affixed to the cigarettes prior to January 1, 2010, and if the wholesale or retailer  
 3389 dealer can establish that the inventory was purchased prior to January 1, 2010, in  
 3390 comparable quantity to the inventory purchased during the same period of the prior year;  
 3391 or

3392 (2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this  
 3393 paragraph, the term 'consumer testing' shall mean an assessment of cigarettes that is  
 3394 conducted by a manufacturer, or under the control and direction of a manufacturer, for  
 3395 the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the  
 3396 quantity of cigarettes that is reasonably necessary for such assessment.

3397 (i) This chapter shall be implemented in accordance with the implementation and  
 3398 substance of the New York Fire Safety Standards for Cigarettes.

3399 25-14-4.

3400 (a) Each manufacturer shall submit to the ~~Commissioner~~ commissioner a written  
 3401 certification attesting that:

3402 (1) Each cigarette listed in the certification has been tested in accordance with Code  
 3403 Section 25-14-3; and

3404 (2) Each cigarette listed in the certification meets the performance standard set forth in  
 3405 paragraph (3) of subsection (b) of Code Section 25-14-3.

3406 (b) Each cigarette listed in the certification shall be described with the following  
 3407 information:

3408 (1) Brand or trade name on the package;

3409 (2) Style, such as light or ultra light;

3410 (3) Length in millimeters;

3411 (4) Circumference in millimeters;

3412 (5) Flavor, such as menthol or chocolate, if applicable;

3413 (6) Filter or nonfilter;

3414 (7) Package description, such as soft pack or box;

3415 (8) Marking approved in accordance with Code Section 25-14-5;

3416 (9) The name, address, and telephone number of the laboratory, if different from the  
 3417 manufacturer that conducted the test; and

3418 (10) The date that the testing occurred.

3419 (c) The certifications shall also be made available to the Attorney General for purposes  
 3420 consistent with this chapter and to the state revenue commissioner for the purposes of  
 3421 ensuring compliance with this Code section.

3422 (d) Each cigarette certified under this Code section shall be recertified every three years.

3423 (e) For each cigarette listed in a certification, a manufacturer shall pay to the  
3424 ~~Commissioner~~ commissioner a fee of \$250.00.

3425 (f) If a manufacturer has certified a cigarette pursuant to this Code section and thereafter  
3426 makes any change to such cigarette that is likely to alter its compliance with the reduced  
3427 cigarette ignition propensity standards required by this chapter, that cigarette shall not be  
3428 sold or offered for sale in this state until the manufacturer retests the cigarette in  
3429 accordance with the testing standards set forth in Code Section 25-14-3 and maintains  
3430 records of that retesting as required by Code Section 25-14-3. Any altered cigarette which  
3431 does not meet the performance standard set forth in Code Section 25-14-3 shall not be sold  
3432 in this state.

3433 25-14-5.

3434 (a) Cigarettes that are certified by a manufacturer in accordance with Code  
3435 Section 25-14-4 shall be marked to indicate compliance with the requirements of Code  
3436 Section 25-14-3. The marking shall be in eight-point type or larger and consist of:

3437 (1) Modification of the universal product code to include a visible mark printed at or  
3438 around the area of the universal product code. The mark may consist of alphanumeric or  
3439 symbolic characters permanently stamped, engraved, embossed, or printed in conjunction  
3440 with the universal product code;

3441 (2) Any visible combination of alphanumeric or symbolic characters permanently  
3442 stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap; or

3443 (3) Printed, stamped, engraved, or embossed text on the cigarette packaging or  
3444 cellophane wrap that indicates that the cigarettes meet Georgia standards.

3445 (b) A manufacturer shall use only one marking and shall apply this marking uniformly for  
3446 all packages, including but not limited to packs, cartons, and cases, and brands marketed  
3447 by that manufacturer.

3448 (c) The ~~Commissioner~~ commissioner shall be notified as to the marking that is selected.

3449 (d) Prior to the certification of any cigarette, a manufacturer shall present its proposed  
3450 marking to the ~~Commissioner~~ commissioner for approval. Upon receipt of the request, the  
3451 ~~Commissioner~~ commissioner shall approve or disapprove the marking offered. The  
3452 ~~Commissioner~~ commissioner shall approve:

3453 (1) Any marking in use and approved for sale in New York pursuant to the New York  
3454 Fire Safety Standards for Cigarettes; or

3455 (2) The letters 'FSC,' which signifies Fire Standards Compliant, appearing in eight-point  
3456 type or larger and permanently printed, stamped, engraved, or embossed on the package  
3457 at or near the universal product code.

3458 Proposed markings shall be deemed approved if the ~~Commissioner~~ commissioner fails to  
3459 act within ten business days of receiving a request for approval.

3460 (e) No manufacturer shall modify its approved marking unless the modification has been  
3461 approved by the ~~Commissioner~~ commissioner in accordance with this Code section.

3462 (f) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall  
3463 provide a copy of the certifications to all wholesale dealers and agents to which they sell  
3464 cigarettes and shall also provide sufficient copies of an illustration of the package marking  
3465 utilized by the manufacturer pursuant to this Code section for each retail dealer to which  
3466 the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide  
3467 a copy of these package markings received from manufacturers to all retail dealers to which  
3468 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the  
3469 ~~Commissioner~~ commissioner, the state revenue commissioner, the Attorney General, and  
3470 their employees to inspect markings of cigarette packaging marked in accordance with this  
3471 Code section.

3472 25-14-6.

3473 (a) A manufacturer, wholesale dealer, agent, or any other person or entity who knowingly  
3474 sells or offers to sell cigarettes, other than through retail sale, in violation of Code  
3475 Section 25-14-3, for a first offense shall be subject to a civil penalty not to exceed \$100.00  
3476 dollars for each pack of such cigarettes sold or offered for sale, provided that in no case  
3477 shall the penalty against any such person or entity exceed \$100,000.00 during any 30 day  
3478 period.

3479 (b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of Code  
3480 Section 25-14-3 shall be subject to a civil penalty not to exceed \$100.00 for each pack of  
3481 such cigarettes, provided that in no case shall the penalty against any retail dealer exceed  
3482 \$25,000.00 during any 30 day period.

3483 (c) In addition to any penalty prescribed by law, any corporation, partnership, sole  
3484 proprietor, limited partnership, or association engaged in the manufacture of cigarettes that  
3485 knowingly makes a false certification pursuant to Code Section 25-14-4 shall be subject  
3486 to a civil penalty of at least \$75,000.00 and not to exceed \$250,000.00 for each such false  
3487 certification.

3488 (d) Any person violating any other provision in this chapter shall be subject to a civil  
3489 penalty for a first offense not to exceed \$1,000.00, and for a subsequent offense subject to  
3490 a civil penalty not to exceed \$5,000.00, for each such violation.

3491 (e) Any cigarettes that have been sold or offered for sale that do not comply with the  
3492 performance standard required by Code Section 25-14-3 shall be subject to forfeiture and,  
3493 upon forfeiture, shall be destroyed; provided, however, that prior to the destruction of any

3494 cigarette pursuant to this Code section, the true holder of the trademark rights in the  
3495 cigarette brand shall be permitted to inspect the cigarette.

3496 (f) In addition to any other remedy provided by law, the ~~Commissioner~~ commissioner or  
3497 Attorney General may file an action in superior court for a violation of this chapter,  
3498 including petitioning for injunctive relief or to recover any costs or damages suffered by  
3499 the state because of a violation of this chapter, including enforcement costs relating to the  
3500 specific violation and attorney's fees. Each violation of this chapter or of rules or  
3501 regulations adopted under this chapter constitutes a separate civil violation for which the  
3502 ~~Commissioner~~ commissioner or Attorney General may obtain relief.

3503 (g) Whenever any law enforcement personnel or duly authorized representative of the  
3504 ~~Commissioner~~ commissioner or Attorney General shall discover any cigarettes that have  
3505 not been marked in the manner required under Code Section 25-14-5, such personnel are  
3506 hereby authorized and empowered to seize and take possession of such cigarettes. Such  
3507 cigarettes shall be turned over to the state revenue commissioner and shall be forfeited to  
3508 the state. Cigarettes seized pursuant to this subsection shall be destroyed; provided,  
3509 however, that prior to the destruction of any cigarette seized pursuant to this subsection,  
3510 the true holder of the trademark rights in the cigarette brand shall be permitted to inspect  
3511 the cigarette.

3512 25-14-7.

3513 (a) The ~~Commissioner~~ commissioner may promulgate rules and regulations, pursuant to  
3514 Chapter 13 of Title 50, necessary to effectuate the purposes of this chapter.

3515 (b) The state revenue commissioner in the regular course of conducting inspections of  
3516 wholesale dealers, agents, and retail dealers, as authorized under Chapter 11 of Title 48,  
3517 may inspect such cigarettes to determine if the cigarettes are marked as required by Code  
3518 Section 25-14-5. If the cigarettes are not marked as required, the state revenue  
3519 commissioner shall notify the ~~Commissioner~~ commissioner.

3520 25-14-8.

3521 To enforce the provisions of this chapter, the Attorney General and the ~~Commissioner~~  
3522 commissioner, their duly authorized representatives, and other law enforcement personnel  
3523 shall be authorized to examine the books, papers, invoices, and other records of any person  
3524 in possession, control, or occupancy of any premises where cigarettes are placed, stored,  
3525 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person  
3526 in the possession, control, or occupancy of any premises where cigarettes are placed, sold,  
3527 or offered for sale shall be directed and required to give the Attorney General and the  
3528 ~~Commissioner~~ commissioner, their duly authorized representatives, and other law

3529 enforcement personnel the means, facilities, and opportunity for the examinations  
3530 authorized by this Code section.

3531 25-14-9.

3532 Nothing in this chapter shall be construed to prohibit any person or entity from  
3533 manufacturing or selling cigarettes that do not meet the requirements of Code  
3534 Section 25-14-3 if the cigarettes are not for sale in this state or are packaged for sale  
3535 outside the United States, and that person or entity has taken reasonable steps to ensure that  
3536 such cigarettes will not be sold or offered for sale to persons located in this state.

3537 25-14-10.

3538 This chapter shall cease to be applicable if federal reduced cigarette ignition propensity  
3539 standards that preempt this chapter are enacted.

3540 25-14-11.

3541 If, after the date specified in paragraph (4.1) of Code Section 25-14-2, the New York safety  
3542 standards are changed, then the ~~Commissioner~~ commissioner shall suggest proposed  
3543 legislation to the chairpersons of the appropriate standing committees of the General  
3544 Assembly as designated by the presiding officer of each house. Such proposed legislation  
3545 shall contain provisions necessary to bring paragraph (4.1) of Code Section 25-14-2 into  
3546 accordance with the New York safety standards.

3547 25-14-12.

3548 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,  
3549 procedures, and pending and finalized administrative orders of the Safety Fire  
3550 Commissioner under this chapter which are in effect on June 30, 2013. Such rules,  
3551 regulations, policies, and procedures shall remain in effect until amended, repealed,  
3552 superseded, or nullified by the commissioner.

3553 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
3554 previously issued by the Safety Fire Commissioner with respect to any function transferred  
3555 to the Department of Fire Safety shall continue in effect until the same expire by their  
3556 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
3557 law.

3558 (c) Effective July 1, 2013, the Department of Fire Safety shall carry out all of the functions  
3559 and obligations and exercise all of the powers formerly held by the Safety Fire  
3560 Commissioner under this chapter."

3561 **SECTION 26.**

3562 Code Section 33-2-9 of the Official Code of Georgia Annotated, relating to rules and  
 3563 regulations adopted by the Commissioner of Insurance, is amended by revising subsection (e)  
 3564 as follows:

3565 "~~(e) Neither the Commissioner, whether acting as Commissioner of Insurance or Safety~~  
 3566 ~~Fire Commissioner of Insurance~~, nor the department, nor the ~~Safety Fire Division of the~~  
 3567 ~~office of the Commissioner~~ commissioner of the Department of Fire Safety shall propose  
 3568 or adopt rules or regulations relating to the sale or dispensing of gasoline or diesel fuel to  
 3569 the general public by any business entity unless such rules or regulations require such sale  
 3570 or dispensing to be under the direct control and visual supervision of an on-site employee  
 3571 of such business entity."

3572 **SECTION 27.**

3573 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability  
 3574 and effect of peace officer certification requirements generally and requirements as to exempt  
 3575 persons, is amended by revising subsection (b) as follows:

3576 "(b) Peace officers commencing any employment or service on any terms with the  
 3577 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,  
 3578 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco  
 3579 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of  
 3580 ~~Insurance and Safety Fire Commissioner~~, the Department of Fire Safety, or a railroad after  
 3581 July 1, 1975, are required to comply with the certification provisions of this chapter. Peace  
 3582 officers commencing such employment or service prior to July 1, 1975, and whose  
 3583 employment continues on July 1, 1975, are exempt and excused from compliance with the  
 3584 certification provisions of this chapter except as provided in this Code section so long as  
 3585 the registration provided for in subsections (d) and (e) of this Code section remains in  
 3586 effect. Any peace officer otherwise exempt from the certification provisions of this chapter  
 3587 must meet the qualifications and requirements specified in paragraphs (2), (4), (5), and ~~(8)~~  
 3588 (7) of subsection (a) of Code Section 35-8-8."

3589 **SECTION 28.**

3590 Chapter 25 of Title 43 of the Official Code of Georgia Annotated, relating to operators of  
 3591 motor vehicle racetracks, is amended by revising said chapter as follows:

3592

## "CHAPTER 25

3593 43-25-1.

3594 As used in this chapter, the term 'motor vehicle,' shall not be construed to include any  
3595 motorcycle or other two-wheeled, self-propelled vehicle, nor shall it be construed to  
3596 include any motor vehicle weighing less than 500 pounds.

3597 43-25-2.

3598 It shall be unlawful for any person, firm, or corporation to operate or conduct any motor  
3599 vehicle race on any permanent racetrack or other place where such races are to be held  
3600 unless there shall first be obtained a license to operate or conduct such races from the  
3601 ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety.

3602 43-25-3.

3603 Application for a license to operate or conduct a racetrack or other place for the holding of  
3604 motor vehicle races or exhibitions shall be made in writing to the ~~Safety Fire~~  
3605 ~~Commissioner~~ commissioner of the Department of Fire Safety on a form prescribed by or  
3606 furnished by the ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety.  
3607 The application form shall require a full and complete address of the track or other place  
3608 desired to be licensed, the name and address of the licensee, and the name and address of  
3609 the promoter of such race or exhibition and shall contain such further information as the  
3610 ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety may require in  
3611 order to comply with Code Section 43-25-4. Such application shall be accompanied by a  
3612 nonrefundable fee of \$150.00.

3613 43-25-4.

3614 No license for operating or conducting a motor vehicle racetrack shall be issued by the  
3615 ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety until the  
3616 applicant has complied with the rules and regulations of the ~~Safety Fire Commissioner~~  
3617 commissioner of the Department of Fire Safety pursuant to Code Section 43-25-8 and has  
3618 a valid public liability insurance policy with minimum limits of \$1 million per accident and  
3619 \$100,000.00 per person per accident, or \$1 million combined single limit, or in lieu thereof  
3620 a valid public liability bond in like amount. The policy or bond shall be designed to  
3621 provide coverage for the protection of the licensee from any legal liability arising out of  
3622 bodily injury, including death, to any member of the general public, resulting from any  
3623 racing event. The insurance policy or bond shall not be designed to provide coverage for  
3624 bodily injuries or death of drivers of motor vehicles which are engaged in any race, any pit

3625 area personnel, or any person who is involved in the conduct of a race. The policy or bond  
3626 shall be written by a company which is licensed to do business in this state or which is  
3627 considered to be acceptable by the ~~Safety Fire Commissioner~~ commissioner of the  
3628 Department of Fire Safety.

3629 43-25-5.

3630 No insurance policy or bond may be canceled for any reason unless and until the ~~Safety~~  
3631 ~~Fire Commissioner~~ commissioner of the Department of Fire Safety has received notice by  
3632 certified or registered letter, return receipt requested, that the policy or bond is going to be  
3633 canceled effective on a date at least 14 days from the date such notice is received by the  
3634 ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety.

3635 43-25-6.

3636 All licenses granted by the ~~Safety Fire Commissioner~~ commissioner of the Department of  
3637 Fire Safety pursuant to this chapter shall expire December 31 of each year.

3638 43-25-7.

3639 The ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety is  
3640 authorized to suspend or revoke the license of any person who operates or conducts motor  
3641 vehicle races or exhibitions without complying with this chapter.

3642 43-25-8.

3643 The ~~Safety Fire Commissioner~~ commissioner of the Department of Fire Safety is  
3644 authorized and directed to create and promulgate rules and regulations which are to be  
3645 designed to prevent injury and loss of life to spectators while they are observing and  
3646 viewing motor vehicles engaged in contests of speed or endurance. Such rules and  
3647 regulations shall provide for certificates of occupancy; periodic inspections by fire  
3648 inspectors and other experts; corrections of deficiencies in racetrack facilities; standards  
3649 for grandstands; guardrails; spectator areas; nonspectator areas; flagmen; track surfaces;  
3650 fences; ambulance service; access highways or roads; fire extinguishers and other fire  
3651 suppression equipment and personnel; plans for fire evacuation; accident reporting; damage  
3652 reporting; storage of flammable and combustible liquids; restricted areas; concession areas;  
3653 and such other areas of coverage as, in the opinion of the ~~Safety Fire Commissioner~~  
3654 commissioner of the Department of Fire Safety, are deemed necessary.

3655 43-25-9.

3656 The owner or lessee of any real property upon which exists a motor vehicle racetrack or  
 3657 other place subject to this chapter shall inform the ~~Safety Fire Commissioner~~ commissioner  
 3658 of the Department of Fire Safety within ten days of any damage caused to any guardrail,  
 3659 post, or other device which has for its purpose the prevention of injury or loss of life to  
 3660 spectators at the racetrack or other place. Until any such damage is repaired and the repairs  
 3661 are approved by fire inspectors, there shall be no racing or endurance event permitted on  
 3662 such racetrack or other place.

3663 43-25-10.

3664 Any person who violates any provision of this chapter shall be guilty of a misdemeanor of  
 3665 a high and aggravated nature.

3666 43-25-11.

3667 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,  
 3668 procedures, and pending and finalized administrative orders of the Safety Fire  
 3669 Commissioner under this chapter which are in effect on June 30, 2013. Such rules,  
 3670 regulations, policies, and procedures shall remain in effect until amended, repealed,  
 3671 superseded, or nullified by the commissioner of the Department of Fire Safety.

3672 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
 3673 previously issued by the Safety Fire Commissioner with respect to any function transferred  
 3674 to the Department of Fire Safety shall continue in effect until the same expire by their  
 3675 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
 3676 law.

3677 (c) Effective July 1, 2013, the Department of Fire Safety shall carry out all of the functions  
 3678 and obligations and exercise all of the powers formerly held by the Safety Fire  
 3679 Commissioner under this chapter."

3680 **SECTION 29.**

3681 The Official Code of Georgia Annotated is amended by replacing "Safety Fire  
 3682 Commissioner" with "Safety Commissioner" wherever such term appears in:

3683 (1) Code Section 8-2-20, relating to definitions relative to state building, plumbing, and  
 3684 electrical codes;

3685 (2) Code Section 8-2-24, relating to appointment of advisory committee, reimbursement  
 3686 of members for expenses, use of subcommittees, submittal of proposed amendments,  
 3687 modifications, new provisions to committee, and meeting times of committee;

- 3688 (3) Code Section 8-2-31, relating to effect of the part relative to state building, plumbing,  
 3689 and electrical codes;
- 3690 (4) Code Section 8-2-202, relating to definitions relative to application of building and  
 3691 fire codes to existing buildings;
- 3692 (5) Code Section 8-2-203, relating to effect of article on state and local enforcement  
 3693 authorities;
- 3694 (6) Code Section 8-2-220, relating to rules and regulations of the Safety Fire  
 3695 Commissioner;
- 3696 (7) Code Section 25-11-2, relating to definitions relative to fire protection sprinkler  
 3697 contractors;
- 3698 (8) Code Section 25-12-2, relating to definitions relative to regulation of fire  
 3699 extinguishers and suppression systems;
- 3700 (9) Code Section 30-3-2, relating to definitions relative to access and use of public  
 3701 facilities by disabled persons;
- 3702 (10) Code Section 30-3-3, relating to applicable standards and specifications and granting  
 3703 of exemptions;
- 3704 (11) Code Section 30-3-7, relating to administration and enforcement of chapter on  
 3705 access and use of public facilities by disabled persons;
- 3706 (13) Code Section 42-4-31, relating to required safety and security measures; and
- 3707 (14) Code Section 43-14-13, relating to applicability of chapter relative to electrical  
 3708 contractors and others.

3709 **SECTION 30.**

3710 This Act shall become effective on July 1, 2013.

3711 **SECTION 31.**

3712 All laws and parts of laws in conflict with this Act are repealed.