

Senate Bill 319

By: Senators Albers of the 56th, Mullis of the 53rd, Gooch of the 51st, Miller of the 49th, Dugan of the 30th and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To enact the "Consolidation of Fire Safety Services in Georgia Act"; to amend Chapter 5 of  
 2 Title 35, Title 25, Title 8, Title 10, Title 16, Article 9 of Chapter 3 of Title 35, Code Section  
 3 35-8-10, Chapter 25 of Title 43, Title 45, Article 1 of Chapter 13 of Title 50 of the Official  
 4 Code of Georgia Annotated, relating to the Georgia Public Safety Training Center, fire  
 5 protection and safety, buildings and housing, commerce and trade, crimes and offenses, the  
 6 Georgia Information Sharing and Analysis Center, applicability and effect of peace officer  
 7 certification requirements generally and requirements as to exempt persons, operators of  
 8 motor vehicle racetracks, public officers and employees, and general provisions regarding  
 9 administrative procedure, respectively, so as to establish the Division of Fire Safety within  
 10 the Georgia Public Safety Training Center; to establish the position of commissioner of fire  
 11 safety; to establish the Fire Safety Advisory Board; to establish the Professional  
 12 Development Section of the Division of Fire Safety; to transfer duties from the  
 13 Commissioner of Insurance as the Safety Fire Commissioner to the commissioner of fire  
 14 safety; to provide for duties and responsibilities of the Division of Fire Safety within the  
 15 Georgia Public Safety Training Center and the Fire Safety Advisory Board; to provide for  
 16 adoption of rules and regulations; to vest certain emergency and terrorism fire service  
 17 preparedness functions in the commissioner of fire safety; to revise the appointment authority  
 18 and duties and responsibilities of the state fire marshal; to provide for the position of local  
 19 fire marshals; to transfer operation and maintenance of the Georgia Fire Academy from the  
 20 Board of Public Safety to the Division of Fire Safety within the Georgia Public Safety  
 21 Training Center; to transfer administration of "The Uniform Standards Code for  
 22 Manufactured Homes Act" from the Safety Fire Commissioner to the commissioner of fire  
 23 safety; to revise the duties of the state fire marshal in the enforcement of the "Liquefied  
 24 Petroleum Safety Act of Georgia"; to transfer administration and rule-making authority under  
 25 said Act from the state fire marshal to the commissioner of fire safety; to transfer certain  
 26 functions and duties relating to bombs, explosives, and chemical and biological weapons  
 27 from the Safety Fire Commissioner to the commissioner of fire safety; to assign regulation  
 28 of blasting operations, fireworks, consumer fireworks, and fire extinguishers and suppression

29 systems and the enforcement of the "Georgia Fire Sprinkler Act" and the "Georgia Fire  
 30 Safety Standard and Firefighter Protection Act" to the commissioner of fire safety and the  
 31 Division of Fire Safety within the Georgia Public Safety Training Center; to assign  
 32 regulation of the "Boiler and Pressure Vessel Safety Act," "Amusement Ride Safety Act,"  
 33 "Carnival Ride Safety Act," and requirements for scaffolding and staging design to the  
 34 commissioner of fire safety and the Division of Fire Safety within the Georgia Public Safety  
 35 Training Center; to add the commissioner of fire safety to membership in the Georgia  
 36 Information Sharing and Analysis Center; to require certain peace officers commencing  
 37 employment or service with the Division of Fire Safety within the Georgia Public Safety  
 38 Training Center to meet certain qualifications; to revise exemption requirements; to assign  
 39 enforcement relating to operators of motor vehicle racetracks to the commissioner of fire  
 40 safety; to assign enforcement of the "Public Employee Hazardous Chemical Protection and  
 41 Right to Know Act of 1988" to the Division of Fire Safety within the Georgia Public Safety  
 42 Training Center; to provide for compliance with filing and hearing requirements under the  
 43 "Georgia Administrative Procedure Act" by the commissioner of fire safety; to revise filing  
 44 and hearing requirements under said Act by the Commissioner of Insurance; to amend  
 45 Chapter 2 of Title 8, Title 25, Chapter 3 of Title 30, Code Section 31-7-12.2, Code Section  
 46 33-2-9, Title 42, Code Section 43-14-13, and Article 1 of Chapter 14 of Title 45 of the  
 47 Official Code of Georgia Annotated, relating to standards and requirements for construction,  
 48 alteration, etc., of buildings and other structures, fire protection and safety, access to and use  
 49 of public facilities by persons with disabilities, regulation and licensing of assisted living  
 50 communities, legislative intent, definitions, procedures, and requirements of medication  
 51 aides, rules and regulations adopted by the Commissioner of Insurance, penal institutions,  
 52 applicability of chapter, and general provisions regarding the Commissioner of Insurance,  
 53 respectively, so as to provide for conforming changes; to provide for related matters; to  
 54 provide for legislative intent; to provide an effective date; to repeal conflicting laws; and for  
 55 other purposes.

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

57 **PART I**  
 58 **SECTION 1-1.**

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

61 **SECTION 1-2.**

62 It is the intent of the General Assembly, by this Act, to provide for more efficient fire safety  
 63 services for the citizens of Georgia by consolidating such services into a single operational  
 64 unit and thereby provide greater quality services at a reduced cost.

65 **PART II**66 **SECTION 2-1.**

67 Chapter 5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia  
 68 Public Safety Training Center, is amended as follows:

69 **"CHAPTER 5**

70 35-5-1.

71 This chapter shall be known and may be cited as the 'Georgia Public Safety Training Center  
 72 Act.'

73 35-5-2.

74 (a) As used in this chapter, the term 'emergency medical personnel' includes emergency  
 75 medical technicians or emergency rescue specialists who are certified or seeking  
 76 certification as emergency medical technicians, paramedics, tactical emergency medical  
 77 officers, cardiac technicians, or other medical first responders under Chapter 11 of Title 31  
 78 and who are employed in the capacity for which they are certified or seeking certification.

79 (b) The Board of Public Safety is authorized:

80 (1) To establish, operate, and maintain the Georgia Public Safety Training Center for the  
 81 purpose of providing facilities and programs for the training of state and local law  
 82 enforcement officers, firefighters, correctional personnel, emergency medical personnel,  
 83 and others, and other purposes as provided by law; and

84 (2) To provide for the Division of Fire Safety within the center pursuant to Chapter 2 of  
 85 Title 25; and

86 ~~(2)(3)~~ (3) To do all things and take any action necessary to accomplish such ~~purpose~~  
 87 ~~purposes~~, including, but not limited to, the promulgation of rules and regulations relative  
 88 thereto, except as provided for under subsection (e) of this Code section.

89 ~~(b)(c)~~ (c) The board is authorized and directed to select a site for the center.

90 ~~(c)(d)~~ (d) The board shall select the administrator of the center and establish the compensation  
 91 for the administrator.

92 ~~(d) As used in this chapter, the term 'emergency medical personnel' includes emergency~~  
93 ~~medical technicians or emergency rescue specialists who are certified or seeking~~  
94 ~~certification as emergency medical technicians, paramedics, tactical emergency medical~~  
95 ~~officers, cardiac technicians, or other medical first responders under Chapter 11 of Title 31~~  
96 ~~and who are employed in the capacity for which they are certified or seeking certification.~~

97 (e)(1) The deputy administrator who is the commissioner of fire safety pursuant to Code  
98 Section 25-5-2 is authorized to do all things and take any action necessary to accomplish  
99 the purposes of the Division of Fire Safety within the center as provided for under  
100 Chapter 2 of Title 25 and as otherwise provided by law.

101 (2) The Division of Fire Safety within the center shall promulgate rules and regulations  
102 relative to accomplishing the purposes provided for in this chapter and Chapter 2 of  
103 Title 25, and as otherwise provided for by law in consultation with the Fire Safety  
104 Advisory Board.

105 35-5-3.

106 (a) The center is assigned to the Department of Public Safety for administrative purposes  
107 only as prescribed in Code Section 50-4-3.

108 (b) The board is authorized to solicit and accept gifts, grants, donations, property, both real  
109 and personal, and services for the purpose of carrying out this chapter.

110 35-5-4.

111 (a) The administrator of the center shall select the necessary staff and shall administer the  
112 policies and programs of the board regarding the center. The administrator shall be  
113 responsible to the board for the management and operation of the center and shall report  
114 directly to the board.

115 (b) The administrator shall appoint a deputy administrator who shall be the commissioner  
116 of fire safety as provided for under Chapter 2 of Title 25.

117 35-5-5.

118 (a) Subject to such rules and regulations as shall be prescribed by the board, the facilities  
119 of the center may be made available to all state and local law enforcement officers,  
120 firefighters, emergency medical personnel, and correctional personnel and may also be  
121 made available to other persons who evidence interest in entering the fields of law  
122 enforcement, fire fighting, emergency medical services, or corrections.

123 (b) The board is authorized to prescribe and collect such fees as are necessary to defray  
124 all or a portion of the cost of furnishing such training and the use of the facilities of the  
125 center.

126 (c) The state and counties and municipalities of this state are authorized to expend funds  
127 for the purpose of paying the fees assessed for use of the center. The board shall have the  
128 authority to determine who shall be allowed to enroll and participate in the training  
129 programs of the center and who shall be allowed to utilize the facilities of the center.

130 (d) Subject to such rules and regulations as shall be prescribed by the board, the Georgia  
131 Public Safety Training Center shall have the following powers and duties in connection  
132 with the training of peace officers, emergency medical personnel, and law enforcement  
133 support personnel:

134 (1) To train instructors authorized to conduct training of peace officers, emergency  
135 medical personnel, and law enforcement support personnel;

136 (2) To reimburse or provide for certain costs incurred in training peace officers,  
137 emergency medical personnel, and law enforcement support personnel employed or  
138 appointed by each agency, organ, or department of this state, counties, and municipalities  
139 to the extent that funds are appropriated for such purpose by the General Assembly. In  
140 the event sufficient funds are not appropriated for a fiscal year to fund the full cost  
141 provided for in this paragraph, then the amount which would otherwise be payable shall  
142 be reduced pro rata on the basis of the funds actually appropriated. As used in this  
143 paragraph, the terms 'cost' and 'costs' shall not include travel or salaries of personnel  
144 undergoing training and shall be limited exclusively to the cost of tuition, meals, and  
145 lodging which are incurred in connection with such training;

146 (3) To expend funds appropriated or otherwise available to the center for paying the  
147 costs of training provided under subsection (a) of Code Section 35-8-20, other than travel  
148 expenses and salaries of police chiefs or department heads of law enforcement units and  
149 wardens of state institutions undergoing training, and shall expend such funds for  
150 purposes of compensating a training officer to administer the course of training and  
151 conduct any business associated with the training provisions of said Code Section  
152 35-8-20;

153 (4) To expend funds appropriated or otherwise available to the center for paying the  
154 costs of training provided for under subsection (a) of Code Section 35-8-20.1, other than  
155 travel expenses and salaries of police chiefs or department heads of law enforcement  
156 units undergoing training, and shall expend such funds for purposes of compensating a  
157 training officer to administer the course of training and conduct any business associated  
158 with the training provisions of said Code Section 35-8-20.1;

159 (5) To expend funds appropriated or otherwise available to the center for paying the  
160 costs of training provided for under Chapter 11 of Title 31 for the initial certification  
161 training and continued training as needed by emergency medical personnel and shall  
162 expend such funds for purposes of compensating a training officer to administer the

163 course of training and conduct any business associated with the training provisions of  
 164 said chapter; and

165 (6) To administer and coordinate the training for communications officers with respect  
 166 to the requirements of Code Section 35-8-23. The board shall be authorized to  
 167 promulgate rules and regulations to facilitate the administration and coordination of  
 168 training consistent with the provisions of said Code Section 35-8-23. The tuition costs  
 169 of the training of communications officers shall be paid from funds appropriated to the  
 170 center.

171 35-5-6.

172 Nothing in this chapter shall be considered as altering current state laws establishing the  
 173 powers and authority of the Board of Corrections or the State Board of Pardons and  
 174 Paroles. Furthermore, nothing in this chapter shall prevent the Technical College System  
 175 of Georgia from providing any course of instruction including, but not limited to,  
 176 instructional courses, certified training, advanced instruction, or classes for or pertaining  
 177 to public safety first responders and emergency medical personnel.

178 35-5-7.

179 (a) The administrator of the center, with the approval of the board, is authorized to  
 180 establish a security police force within the Georgia Public Safety Training Center.

181 (b) While in the performance of their duties on property of the Georgia Public Safety  
 182 Training Center, such security police shall have the same law enforcement powers,  
 183 including the power of arrest, as a law enforcement officer of the local government with  
 184 police jurisdiction over such Georgia Public Safety Training Center.

185 **PART III**

186 **SECTION 3-1.**

187 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
 188 amended by revising Chapter 2, relating to the regulation of fire and other hazards to persons  
 189 and property generally, as follows:

190 "CHAPTER 2

191 25-2-1.

192 As used in this chapter, the term:

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

194 (2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

195 25-2-2.

196 ~~The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall~~  
197 ~~be the Safety Fire Commissioner.~~

198 (a) There is created the Division of Fire Safety within the Georgia Public Safety Training  
199 Center.

200 (b) There is created the position of commissioner of fire safety. The commissioner shall  
201 be the deputy administrator of the Georgia Public Safety Training Center and the chief  
202 administrative officer of the Division of Fire Safety and shall be appointed as provided for  
203 under Chapter 5 of Title 35. Any person appointed to serve as commissioner shall have a  
204 minimum of ten years' experience as a fire safety professional.

205 25-2-3.

206 Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner is charged  
207 with the duties and chief responsibility for the enforcement of this chapter. He or she may,  
208 consistent with this chapter, delegate to the officers and employees appointed under this  
209 chapter such duties and powers as in his or her discretion he or she shall deem necessary  
210 or advisable for the proper enforcement of this chapter and shall have full supervision and  
211 control over such officers and employees in the performance of their duties or in the  
212 exercise of any powers granted to such officers and employees by him or her or by this  
213 chapter. Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner  
214 shall be the final authority in all matters relating to the interpretation and enforcement of  
215 this chapter, except insofar as his or her orders may be reversed or modified by the courts.

216 25-2-4.

217 The ~~Commissioner~~ commissioner shall adopt such rules and regulations as he or she deems  
218 necessary to promote the enforcement of this chapter. Such rules and regulations shall  
219 have the force and effect of law and shall have state-wide application as being the state  
220 minimum fire safety standards and shall not require adoption by a municipality or county.  
221 The governing authority of any municipality or county in this state is authorized to enforce  
222 the state minimum fire safety standards on all buildings and structures except one-family  
223 and two-family dwellings and those buildings and structures listed in Code Section  
224 25-2-13. All other applications of the state minimum fire safety standards and fees are  
225 specified in Code Sections 25-2-4.1, 25-2-12, and 25-2-12.1. Before the ~~Commissioner~~  
226 commissioner shall adopt as a part of his or her rules and regulations for the enforcement  
227 of this chapter any of the principles of the various codes referred to in this chapter, he or

228 she shall first consider and approve them as reasonably suitable for the enforcement of this  
 229 chapter. Not less than 15 days before any rules and regulations are promulgated, a public  
 230 hearing shall be held. Notice of the hearing shall be advertised in a newspaper of general  
 231 circulation.

232 25-2-4.1.

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

236	(1) New anhydrous ammonia permit for storage in bulk (more than	
237	2,000 gallons aggregate capacity) for sale or distribution one-time	
238	fee . . . . .	\$ 150.00
239	(2) Annual license for manufacture of explosives other than	
240	fireworks . . . . .	150.00
241	(3) Annual license for manufacture, storage, or transport of	
242	fireworks . . . . .	1,500.00
243	(4) Carnival license . . . . .	150.00
244	(5) Certificate of occupancy . . . . .	100.00
245	(6) Construction plan review:	
246	(A) Bulk storage construction . . . . .	150.00
247	(B) Building construction, 10,000 square feet or less . . . . .	150.00
248	(C) Building construction, more than 10,000 square feet . . . . .	.015 per square foot
249	(D) Other construction . . . . .	150.00
250	(7) Fire sprinkler contractor certificate of competency . . . . .	150.00
251	(8) Liquefied petroleum gas storage license:	
252	(A) 2,000 gallons or less . . . . .	150.00
253	(B) More than 2,000 gallons . . . . .	600.00
254	(9) Building construction inspection:	
255	(A) 80 percent completion, 100 percent completion, annual, and	
256	first follow-up . . . . .	none
257	(B) Second follow-up . . . . .	150.00
258	(C) Third and each subsequent follow-up . . . . .	220.00
259	(10) Purchase, storage, sale, transport, or use of explosives other	
260	than fireworks:	
261	(A) 500 pounds or less . . . . .	75.00

262	(B) More than 500 pounds . . . . .	150.00
263	(11) New self-service gasoline station permit one-time fee . . . . .	150.00
264	(12) New permit to dispense compressed natural gas (CNG) for	
265	vehicular fuel one-time fee . . . . .	150.00

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

269 25-2-4.2.

270 The commissioner, or his or her designee within the Division of Fire Safety, shall manage  
 271 this state's fire service preparedness and functions as it relates to terrorism, weapons of  
 272 mass destruction, hazardous incidents, and natural disasters or emergencies. The  
 273 commissioner, or his or her designee, shall, as necessary, liaise with the Georgia  
 274 Emergency Management and Homeland Security Agency, other agencies of this state,  
 275 federal agencies, and agencies of other states in developing and executing plans,  
 276 procedures, and policies for purposes of this Code section.

277 25-2-5.

278 The ~~Commissioner~~ commissioner shall appoint a state fire marshal. Qualifications for  
 279 appointment as state fire marshal shall be previous training and experience in endeavors  
 280 similar to those prescribed in this chapter. The ~~Commissioner~~ commissioner shall fix the  
 281 salary of the state fire marshal.

282 25-2-6.

283 ~~The Safety Fire Division of the office of the Commissioner of Insurance shall be headed~~  
 284 ~~by the state fire marshal appointed by the Commissioner~~ Reserved.

285 25-2-7.

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

292 25-2-8.

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

297 25-2-9.

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

302 (b) Personnel employed and authorized by the state fire marshal shall have the power to  
 303 make arrests for criminal violations established as a result of investigations. Such  
 304 personnel must hold certification as a peace officer from the Georgia Peace Officer  
 305 Standards and Training Council and shall have the power to execute arrest warrants and  
 306 search warrants for criminal violations and to arrest, upon probable cause and without  
 307 warrant, any person found violating any of the provisions of applicable criminal laws.  
 308 Authorized personnel empowered to make arrests pursuant to this Code section shall be  
 309 empowered to carry firearms as authorized by the state fire marshal in the performance of  
 310 their duties. It shall be unlawful for any person to resist an arrest authorized by this Code  
 311 section or to interfere in any manner, including abetting or assisting such resistance or  
 312 interference, with personnel employed by the state fire marshal in the duties imposed upon  
 313 such personnel by law.

314 25-2-10.

315 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or  
 316 decision of the state fire marshal, the right is granted to appeal within ten days to the  
 317 ~~Commissioner~~ commissioner. If the person, firm, corporation, or public entity is  
 318 dissatisfied with the decision of the ~~Commissioner~~ commissioner, appeal is authorized to  
 319 the superior court within 30 days in the manner provided under Chapter 13 of Title 50, the  
 320 'Georgia Administrative Procedure Act.' In the event of such appeal, the person, firm,  
 321 corporation, or public entity shall give a surety bond which will be conditioned upon  
 322 compliance with the order and direction of the state fire marshal or the ~~Commissioner~~  
 323 commissioner or both. The amount of bond shall be fixed by the ~~Commissioner~~  
 324 commissioner in such amount as will reasonably cover the order issued by the  
 325 ~~Commissioner~~ commissioner or the state fire marshal or both.

326 25-2-11.

327 Reserved.

328 25-2-12.

329 (a)(1) The county governing authority in any county having a population of 100,000 or  
330 more, and the municipal governing authority in any municipality having a population of  
331 45,000 or more, each as determined by the most recent decennial census published by the  
332 United States Bureau of the Census, and those municipalities pursuant to subsection (b)  
333 of this Code section shall adopt the state minimum fire safety standards adopted in the  
334 rules and regulations promulgated pursuant to this chapter, including all subsequent  
335 revisions thereof.

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

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

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

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

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

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

356 (5) Every such local governing authority shall have the authority to charge and retain  
357 appropriate fees for performing the duties required in subparagraphs (A) and (B) of  
358 paragraph (2) of this subsection. In cases where the governing authority of a municipality  
359 enforcing fire safety standards pursuant to this subsection contracts for the enforcement  
360 of fire safety standards, any municipal or county office or authority providing such

361 enforcement shall not charge fees in excess of those charged in its own political  
362 subdivision for such enforcement.

363 (6) Every such local governing authority shall be responsible for investigating all cases  
364 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties  
365 and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out  
366 such responsibility, and shall submit quarterly reports to the state fire marshal containing  
367 fire-loss data regarding all fires within its jurisdiction. The state fire marshal shall have  
368 the authority to initiate any arson investigation upon request of any such local governing  
369 authority, and he or she shall provide assistance to the requesting authority regarding any  
370 of the duties and responsibilities required by this paragraph.

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

375 (b) Municipalities having a population of less than 45,000 as determined by the most  
376 recent decennial census published by the United States Bureau of the Census may adopt  
377 the state minimum fire safety standards adopted in the rules and regulations promulgated  
378 pursuant to this chapter, including all subsequent revisions thereof. The municipal  
379 governing authority shall indicate its intention to adopt and enforce the state minimum fire  
380 safety standards by forwarding a resolution so indicating to the ~~Commissioner~~  
381 commissioner. The municipality shall then adopt and enforce the state minimum fire safety  
382 standards as set forth in subsection (a) of this Code section.

383 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in  
384 jurisdictions other than those jurisdictions covered under subsection (a) of this Code  
385 section, and with respect to every such hospital and every such building and structure  
386 owned and operated or occupied by the state, wherever located, the ~~office of the~~  
387 ~~Commissioner~~ Division of Fire Safety within the Georgia Public Safety Training Center  
388 shall perform those duties specified in paragraph (2) of subsection (a) of this Code section  
389 and shall perform all other duties required by this chapter.

390 (d) Except as specifically stated in this Code section, nothing in this Code section shall  
391 reduce or avoid the duties and responsibilities of the ~~office of the Commissioner~~ Division  
392 of Fire Safety within the Georgia Public Safety Training Center or the state fire marshal  
393 imposed by other Code sections of this chapter, other provisions of this Code, or any  
394 existing contract or agreement and all renewals thereof between the ~~office of the~~  
395 ~~Commissioner~~ Division of Fire Safety within the Georgia Public Safety Training Center  
396 or the state fire marshal and any other state or federal government agency. Nothing in this  
397 Code section shall prohibit the ~~office of the Commissioner~~ Division of Fire Safety within

398 the Georgia Public Safety Training Center, state fire marshal, or any local governing  
 399 authority from entering into any future contract or agreement regarding any of the duties  
 400 imposed under this Code section.

401 (e)(1) ~~The office of the Commissioner~~ Division of Fire Safety within the Georgia Public  
 402 Safety Training Center shall be responsible for interpretations of the state minimum fire  
 403 safety standards as adopted in the rules and regulations promulgated pursuant to this  
 404 chapter.

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

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

414 (4) On the construction of new buildings, the ~~Commissioner~~ commissioner, upon the  
 415 written recommendation of the state fire marshal and the written request of the fire or  
 416 building official responsible for enforcing the state minimum fire safety standards, may  
 417 grant variances from compliance with the state minimum fire safety standards as adopted  
 418 in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered  
 419 under subsection (a) of this Code section and jurisdictions other than those covered under  
 420 subsection (a) of this Code section.

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

423 25-2-12.1.

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

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

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

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

437 (b) Upon application submitted by any governing authority or administrative authority  
438 described in subsection (a) of this Code section, the state fire marshal, subject to the  
439 approval of the ~~Commissioner~~ commissioner and in accordance with this Code section,  
440 shall have the authority to deputize local fire marshals, deputy local fire marshals, or state  
441 inspectors, as appropriate, as state officers. The application shall be verified by an  
442 appropriate official and shall contain the name, address, and current place of employment  
443 for each applicant seeking to be deputized and the dates and places of past employment,  
444 educational background, training experience, any area of specialization and the basis  
445 therefor, and such other information as may be required by the state fire marshal.

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

- 450 (A) Fire safety inspections;
- 451 (B) Review of plans and specifications; or
- 452 (C) Arson investigations.

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

456 (d) It shall be the responsibility of the governing authority to notify the state fire marshal  
457 when a local fire marshal is no longer employed by or accountable to such governing  
458 authority. It shall be the responsibility of the local fire marshal to ensure that his or her  
459 deputy local fire marshals perform their appointed duties and to notify the state fire marshal  
460 when a deputy local fire marshal is no longer employed under his or her authority. It shall  
461 be the responsibility of the administrative authority to ensure that state inspectors perform  
462 their appointed duties and to notify the state fire marshal when a state inspector is no longer  
463 employed by such administrative authority.

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

470 25-2-13.

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

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

477 (2) 'Historic building or structure' means any individual building or any building which  
 478 contributes to the historic character of a historic district, so designated by the state  
 479 historic preservation officer pursuant to rules and regulations adopted by the Board of  
 480 Natural Resources, or as so designated pursuant to the provisions of Article 2 of Chapter  
 481 10 of Title 44, the 'Georgia Historic Preservation Act.'

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

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

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

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

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

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

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

513 (F) Racetracks, stadiums, and grandstands;

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

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

521 (H) Department stores and retail mercantile establishments having a gross floor area  
522 of 25,000 square feet on any one floor or having three or more floors that are open to  
523 the public. For purposes of this subparagraph, shopping centers and malls shall be  
524 assessed upon the basis of the entire area covered by the same roof or sharing common  
525 walls; provided, however, that nothing in this Code section shall apply to single-story  
526 malls or shopping centers subdivided into areas of less than 25,000 square feet by a  
527 wall or walls with a two-hour fire resistance rating and where there are unobstructed  
528 exit doors in the front and rear of every such individual occupancy which open directly  
529 to the outside;

530 (I) Child care learning centers, as such term is defined in Code Section 20-1A-2. Fire  
531 safety standards adopted by rules of the ~~Commissioner~~ commissioner pursuant to Code  
532 Section 25-2-4 which are applicable to child care learning centers shall not require  
533 staff-to-child ratios; and

534 (J) Personal care homes and assisted living communities required to be licensed as  
535 such by the Department of Community Health and having at least seven beds for  
536 nonfamily adults, and the ~~Commissioner~~ commissioner shall, pursuant to Code Section  
537 25-2-4, by rule adopt state minimum fire safety standards for those homes, and any  
538 structure constructed as or converted to a personal care home on or after April 15, 1986,  
539 shall be deemed to be a proposed building pursuant to subsection (d) of Code Section  
540 25-2-14 and that structure may be required to be furnished with a sprinkler system  
541 meeting the standards established by the ~~Commissioner~~ commissioner if he or she  
542 deems this necessary for proper fire safety.

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

546 (3)(A) The provisions of this paragraph relating to landmark museum buildings shall  
547 apply only to those portions of such buildings which meet all the requirements of a  
548 landmark museum building, except as otherwise provided in subparagraphs (B) and (C)  
549 of this paragraph. Subparagraphs (B) and (C) of this paragraph shall, unless otherwise  
550 provided in such subparagraphs, preempt all state laws, regulations, or rules governing  
551 reconstruction, alteration, repair, or maintenance of landmark museum buildings. Local  
552 governing authorities may recognize the designation of landmark museum buildings by  
553 ordinance and authorize the local enforcement authority to incorporate the provisions  
554 of subparagraphs (B) and (C) of this paragraph into their local building and fire codes.  
555 Subparagraphs (D) and (E) of this paragraph shall apply to other historic buildings or  
556 structures.

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

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

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

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

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

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

574 (ii) All landmark museum buildings which contain residential units shall have  
575 electrically powered smoke or products of combustion detectors installed within each  
576 living unit between living and sleeping areas. Such detectors shall be continuously  
577 powered by the building's electrical system. When activated, the detector shall initiate  
578 an alarm which is audible in sleeping rooms of that living unit. These unit detectors

579 shall be required in addition to any other protective system that may be installed in  
580 the building;

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

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

593 (v) All multistory landmark museum buildings, except one and two family dwellings,  
594 with occupancy above or below the street or grade level shall have manual fire alarm  
595 pull stations in the natural path of egress. The activation of a manual pull station shall  
596 cause the building fire warning system to sound;

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

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

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

614 (ix) The electrical, heating, and mechanical systems of landmark museum buildings  
615 shall be inspected and any conditions that create a threat of fire or a threat to life shall

616 be corrected in accordance with applicable standards to the extent deemed necessary  
617 by the state or local authority having jurisdiction.

618 (D) Historic buildings not classified as landmark museum buildings shall meet the  
619 requirements of applicable state or local building and fire safety laws, ordinances,  
620 codes, standards, rules, or regulations as they pertain to existing buildings. If a historic  
621 building or structure is damaged from fire or other casualty, it may be restored to the  
622 condition prior to the fire or casualty using techniques and methods consistent with its  
623 original construction, or it shall meet the requirements for new construction of the  
624 applicable state or local codes, standards, rules, or regulations, provided that these  
625 requirements do not significantly compromise the features for which the building was  
626 considered historically significant.

627 (E) As to any buildings or structures in the State of Georgia which meet the criteria of  
628 paragraph (1) of subsection (b) of this Code section and thus fall under the jurisdiction  
629 of the ~~Safety Fire Commissioner~~ commissioner and which also have been designated  
630 as historically significant by the state historic preservation officer, the appropriate  
631 enforcement official, in granting or denying a variance pursuant to subsection (e) of  
632 Code Section 25-2-12, shall consider the intent of this chapter, with special attention  
633 to paragraph (3) of this subsection, Article 3 of Chapter 2 of Title 8, 'The Uniform Act  
634 for the Application of Building and Fire Related Codes to Existing Buildings,' Article  
635 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act,' and the Secretary  
636 of Interior's Standards for Preservation Projects.

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

642 (c) Every person who owns or controls the use of any building, part of a building, or  
643 structure described in paragraph (1) of subsection (b) of this Code section, which, because  
644 of floor area, height, location, use or intended use as a gathering place for large groups, or  
645 use or intended use by or for the aged, the ill, the incompetent, or the imprisoned,  
646 constitutes a special hazard to property or to the life and safety of persons on account of  
647 fire or panic from fear of fire, must so construct, equip, maintain, and use such building or  
648 structure as to afford every reasonable and practical precaution and protection against  
649 injury from such hazards. No person who owns or controls the use or occupancy of such  
650 a building or structure shall permit the use of the premises so controlled for any such  
651 specially hazardous use unless he or she has provided such precautions against damage to  
652 property or injury to persons by these hazards as are found and determined by the

653 ~~Commissioner~~ commissioner in the manner described in subsection (d) of this Code section  
654 to be reasonable and practical.

655 (d) The ~~Commissioner~~ commissioner is directed to investigate and examine construction  
656 and engineering techniques; properties of construction materials, fixtures, facilities, and  
657 appliances used in, upon, or in connection with buildings and structures; and fire  
658 prevention and protective techniques, including, but not limited to, the codes and standards  
659 adopted, recommended, or issued from time to time by the National Fire Protection  
660 Association (National Fire Code and National Electric Code), the American Insurance  
661 Association (National Building Code), the successor to the National Board of Fire  
662 Underwriters, the American Standards Association, and the Standard Building Code  
663 Congress (Southern Standard Building Code). Based upon such investigation, the  
664 ~~Commissioner~~ commissioner is authorized to determine and by rule to provide what  
665 reasonable and practical protection must be afforded property and persons with respect to:  
666 exits; fire walls and internal partitions adequate to resist fire and to retard the spread of fire,  
667 smoke, heat, and gases; electrical wiring, electrical appliances, and electrical installations;  
668 safety and protective devices, including, but not limited to, fire escapes, fire prevention  
669 equipment, sprinkler systems, fire extinguishers, panic hardware, fire alarm and detection  
670 systems, exit lights, emergency auxiliary lights, and other similar safety devices;  
671 flameproofing; motion picture equipment and projection booths; and similar facilities;  
672 provided, however, that any building described in subparagraph (b)(1)(C) of this Code  
673 section shall be required to have a smoke or products of combustion detector listed by a  
674 nationally recognized testing laboratory; and, regardless of the manufacturer's instructions,  
675 such detectors in these buildings shall be located in all interior corridors, halls, and  
676 basements no more than 30 feet apart or more than 15 feet from any wall; where there are  
677 no interior halls or corridors, the detectors shall be installed in each sleeping room. All  
678 detection systems permitted after April 1, 1992, shall be powered from the building's  
679 electrical system and all detection systems required by this chapter, permitted after April 1,  
680 1992, shall have a one and one-half hour emergency power supply source. Required  
681 corridor smoke detector systems shall be electrically interconnected to the fire alarm, if a  
682 fire alarm is required. If a fire alarm is not required, the detectors at a minimum shall be  
683 approved single station detectors powered from the building electrical service.

684 (e) All rules and regulations promulgated before April 1, 1968, by predecessor authority,  
685 the ~~Commissioner~~ commissioner, or the state fire marshal and the minimum fire safety  
686 standards adopted therein shall remain in full force and effect where applicable until such  
687 time as they are amended by the appropriate authority.

688 (f) The municipal governing authority in any incorporated area or the county governing  
689 authority in any unincorporated area of the state shall have the authority to enact such

690 ordinances as it deems necessary to perform fire safety inspections and related activities  
691 for those buildings and structures not covered in this Code section.

692 (g) Notwithstanding any other provision of law or any local ordinance to the contrary, in  
693 the event of a conflict between any code or standard of the National Fire Protection  
694 Association (National Fire Code and National Electric Code) and of the Standard Building  
695 Code Congress (Southern Standard Building Code), the code or standard of the National  
696 Fire Protection Association (National Fire Code and National Electric Code) shall prevail.  
697 The order of precedence established by this subsection shall apply to all buildings and  
698 structures whether or not such buildings and structures are covered under this Code section.

699 25-2-14.

700 (a)(1) Plans and specifications for all proposed buildings which come under  
701 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come  
702 under the jurisdiction of the ~~office of the Commissioner~~ Division of Fire Safety within  
703 the Georgia Public Safety Training Center pursuant to Code Section 25-2-12 shall be  
704 submitted to and receive approval by either the state fire marshal, the proper local fire  
705 marshal, or state inspector before any state, municipal, or county building permit may be  
706 issued or construction started. All such plans and specifications submitted as required by  
707 this subsection shall be accompanied by a fee in the amount provided in Code Section  
708 25-2-4.1 and shall bear the seal and Georgia registration number of the drafting architect  
709 or engineer or shall otherwise have the approval of the ~~Commissioner~~ commissioner.

710 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or  
711 designated code official cannot provide plan review within 30 business days of  
712 receiving a written application for permitting in accordance with the code official's plan  
713 submittal process, then, in lieu of plan review by personnel employed by such  
714 governing authority, any person, firm, or corporation engaged in a construction project  
715 which requires plan review, regardless if the plan review is required by subsection (a)  
716 of this Code section or by local county or municipal ordinance, shall have the option  
717 of retaining, at its own expense, a private professional provider to provide the required  
718 plan review. As used in this paragraph, the term 'private professional provider' means  
719 a professional engineer who holds a certificate of registration issued under Chapter 15  
720 of Title 43 or a professional architect who holds a certificate of registration issued  
721 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or  
722 financially interested in the person, firm, or corporation engaged in the construction  
723 project to be reviewed.

724 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated  
725 code official shall advise the permit applicant at the time the complete submittal

726 application for a permit in accordance with the code official's plan submittal process is  
727 received that the state fire marshal, the proper local fire marshal, state inspector, or  
728 designated code official intends to complete the required plan review within the time  
729 prescribed by this paragraph or that the applicant may immediately secure the services  
730 of a private professional provider to complete the required plan review pursuant to this  
731 subsection. The plan submittal process shall include those procedures and approvals  
732 required by the local jurisdiction before plan review can take place. If the state fire  
733 marshal, the proper local fire marshal, state inspector, or designated code official states  
734 its intent to complete the required plan review within the time prescribed by this  
735 paragraph, the applicant shall not be authorized to use the services of a private  
736 professional provider as provided in this subsection. The permit applicant and the state  
737 fire marshal, the proper local fire marshal, state inspector, or designated code official  
738 may agree by mutual consent to extend the time period prescribed by this paragraph for  
739 plan review if the characteristics of the project warrant such an extension. However,  
740 if the state fire marshal, the proper local fire marshal, state inspector, or designated code  
741 official states its intent to complete the required plan review within the time prescribed  
742 by this paragraph, or any extension thereof mutually agreed to by the applicant and the  
743 state fire marshal, the proper local fire marshal, state inspector, or designated code  
744 official and does not permit the applicant to use the services of a private professional  
745 provider and the state fire marshal, the proper local fire marshal, state inspector, or  
746 designated code official fails to complete such plan review in the time prescribed by  
747 this paragraph, or any extension thereof mutually agreed to by the applicant and the  
748 state fire marshal, the proper local fire marshal, state inspector, or designated code  
749 official, the state fire marshal, the proper local fire marshal, state inspector, or  
750 designated code official shall issue the applicant a project initiation permit to allow the  
751 applicant to begin work on the project, provided that portion of the initial phase of work  
752 is compliant with applicable codes, laws, and rules. If a full permit is not issued for the  
753 portion requested for permitting, then the state fire marshal, the proper local fire  
754 marshal, state inspector, or designated code official shall have an additional 20 business  
755 days to complete the review and issue the full permit. If the plans submitted for  
756 permitting are denied for any deficiency, the time frames and process for resubmittal  
757 shall be governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

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

763 (D) The person, firm, or corporation retaining a private professional provider to  
764 conduct a plan review shall be required to pay to the state fire marshal, the proper local  
765 fire marshal, state inspector, or designated code official which requires the plan review  
766 the same regulatory fees and charges which would have been required had the plan  
767 review been conducted by the state fire marshal, the proper local fire marshal, state  
768 inspector, or designated code official.

769 (E) A private professional provider performing plan reviews under this subsection shall  
770 review construction plans to determine compliance with the state's minimum fire safety  
771 standards in effect which were adopted pursuant to this chapter and, where applicable,  
772 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.  
773 Upon determining that the plans reviewed comply with the applicable codes and  
774 standards as adopted, such private professional provider shall prepare an affidavit or  
775 affidavits on a form prescribed by the ~~Safety Fire Commissioner~~ commissioner  
776 certifying under oath that the following is true and correct to the best of such private  
777 professional provider's knowledge and belief and in accordance with the applicable  
778 professional standard of care:

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

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

786 (F) All private professional providers providing plan review services pursuant to this  
787 subsection shall secure and maintain insurance coverage for professional liability  
788 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1  
789 million per claim and \$1 million in aggregate coverage. Such insurance may be a  
790 practice policy or project-specific coverage. If the insurance is a practice policy, it shall  
791 contain prior acts coverage for the private professional provider. If the insurance is  
792 project-specific, it shall continue in effect for two years following the issuance of the  
793 certificate of final completion for the project. The state fire marshal, the proper local  
794 fire marshal, state inspector, or designated code official may establish, for private  
795 professional providers working within their respective jurisdictions specified by this  
796 chapter, a system of registration listing the private professional providers within their  
797 areas of competency and verifying compliance with the insurance requirements of this  
798 subsection.

799 (G) The private professional provider shall be empowered to perform any plan review  
800 required by the state fire marshal, the proper local fire marshal, state inspector, or  
801 designated code official, regardless if the plan review is required by this subsection or  
802 by local county or municipal ordinance, provided that the plan review is within the  
803 scope of such private professional provider's area of expertise and competency. This  
804 subsection shall not apply to hospitals, ambulatory health care centers, nursing homes,  
805 jails, penal institutions, airports, buildings or structures that impact national or state  
806 homeland security, or any building defined as a high-rise building in the State  
807 Minimum Standards Code, provided that interior tenant build-out projects within  
808 high-rise buildings are not exempt from this subsection, or plans related to Code  
809 Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10 of this title.

810 (H)(i) The permit applicant shall submit a copy of the private professional provider's  
811 plan review report to the state fire marshal, the proper local fire marshal, state  
812 inspector, or designated code official. Such plan review report shall include at a  
813 minimum all of the following:

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

816 (II) The applicable fees required for permitting;

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

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

823 (ii) No more than 30 business days after receipt of a permit application and the  
824 private professional provider's plan review report required pursuant to this subsection,  
825 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
826 official shall issue the requested permit or provide written notice to the permit  
827 applicant identifying the specific plan features that do not comply with the applicable  
828 codes or standards, as well as the specific reference to the relevant requirements. If  
829 the state fire marshal, the proper local fire marshal, state inspector, or designated code  
830 official does not provide a written notice of the plan deficiencies within the prescribed  
831 30 day period, the permit application shall be deemed approved as a matter of law and  
832 the permit shall be issued by the state fire marshal, the proper local fire marshal, state  
833 inspector, or designated code official on the next business day.

834 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or  
835 designated code official provides a written notice of plan deficiencies to the permit

836 applicant within the prescribed 30 day period, the 30 day period shall be tolled  
837 pending resolution of the matter. To resolve the plan deficiencies, the permit  
838 applicant may elect to dispute the deficiencies pursuant to this chapter, the  
839 promulgated rules and regulations adopted thereunder, or, where appropriate for  
840 existing buildings, the local governing authority's appeals process or the permit  
841 applicant may submit revisions to correct the deficiencies.

842 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local  
843 fire marshal, state inspector, or designated code official shall have the remainder of  
844 the tolled 30 day period plus an additional five business days to issue the requested  
845 permit or to provide a second written notice to the permit applicant stating which of  
846 the previously identified plan features remain in noncompliance with the applicable  
847 codes or standards, with specific reference to the relevant requirements. If the state  
848 fire marshal, the proper local fire marshal, state inspector, or designated code official  
849 does not provide the second written notice within the prescribed time period, the  
850 permit shall be issued by the state fire marshal, the proper local fire marshal, state  
851 inspector, or designated code official on the next business day.

852 (v) If the state fire marshal, the proper local fire marshal, state inspector, or  
853 designated code official provides a second written notice of plan deficiencies to the  
854 permit applicant within the prescribed time period, the permit applicant may elect to  
855 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated  
856 thereunder, or, where applicable for existing buildings, the local governing authority's  
857 appeals process or the permit applicant may submit additional revisions to correct the  
858 deficiencies. For all revisions submitted after the first revision, the state fire marshal,  
859 the proper local fire marshal, state inspector, or designated code official shall have an  
860 additional five business days to issue the requested permit or to provide a written  
861 notice to the permit applicant stating which of the previously identified plan features  
862 remain in noncompliance with the applicable codes or standards, with specific  
863 reference to the relevant requirements.

864 (I) The state fire marshal may provide for the prequalification of private professional  
865 providers who may perform plan reviews pursuant to this subsection by rule or  
866 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state  
867 inspector, or designated code official may provide for the prequalification of private  
868 professional providers who may perform plan reviews pursuant to this subsection;  
869 however, no additional local ordinance implementing prequalification shall become  
870 effective until notice of the proper local fire marshal, state inspector, or designated code  
871 official's intent to require prequalification and the specific requirements for  
872 prequalification have been advertised in the newspaper in which the sheriff's

873 advertisements for that locality are published. The ordinance implementing  
874 prequalification shall provide for evaluation of the qualifications of a private  
875 professional provider only on the basis of the private professional provider's expertise  
876 with respect to the objectives of this subsection, as demonstrated by the private  
877 professional provider's experience, education, and training. Such ordinance may  
878 require a private professional provider to hold additional certifications, provided that  
879 such certifications are required by ordinance or state law for plan review personnel  
880 currently directly employed by such local governing authority.

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

883 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated  
884 code official determines that the building construction or plans do not comply with the  
885 applicable codes or standards, the state fire marshal, the proper local fire marshal, state  
886 inspector, or designated code official may deny the permit or request for a certificate  
887 of occupancy or certificate of completion, as appropriate, or may issue a stop-work  
888 order for the project or any portion thereof as provided by law or rule or regulation,  
889 after giving notice and opportunity to remedy the violation, if the state fire marshal, the  
890 proper local fire marshal, state inspector, or designated code official determines that  
891 noncompliance exists with state laws, adopted codes or standards, or local ordinances,  
892 provided that:

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

898 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or  
899 designated code official and the private professional provider are unable to resolve the  
900 dispute, the matter shall be referred to the local enforcement agency's board of  
901 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed  
902 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or  
903 any existing building under the specific jurisdiction of the state fire marshal's office  
904 shall be made to the state fire marshal and further appeal shall be under Code Section  
905 25-2-10.

906 (L) The state fire marshal, the proper local fire marshal, state inspector, local  
907 government, designated code official enforcement personnel, or agents of the governing  
908 authority shall be immune from liability to any person or party for any action or  
909 inaction by an owner of a building or by a private professional provider or its duly

910 authorized representative in connection with building plan review services by private  
911 professional providers as provided in this subsection.

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

916 (N) Nothing in this subsection shall limit the authority of the state fire marshal, the  
917 proper local fire marshal, state inspector, or designated code official to issue a  
918 stop-work order for a building project or any portion of such project, as provided by  
919 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice  
920 and opportunity to remedy the violation, if the official determines that a condition on  
921 the building site constitutes an immediate threat to public safety and welfare.

922 (O) When performing building code plan reviews related to determining compliance  
923 with the Georgia State Minimum Standard Codes most recently adopted by the  
924 Department of Community Affairs, the state's minimum fire safety standards adopted  
925 by the safety fire marshal, or the state's minimum accessibility standards pursuant to  
926 Chapter 3 of Title 30, a private professional provider is subject to the disciplinary  
927 guidelines of the applicable professional licensing board with jurisdiction over such  
928 private professional provider's license or certification under Chapters 4 and 15 of  
929 Title 43, as applicable. Any complaint processing, investigation, and discipline that  
930 arise out of a private professional provider's performance of the adopted building, fire  
931 safety, or accessibility codes or standards plan review services shall be conducted by  
932 the applicable professional licensing board or as allowed by state rule or regulation.  
933 Notwithstanding any disciplinary rules of the applicable professional licensing board  
934 with jurisdiction over such private professional provider's license or certification under  
935 Chapters 4 and 15 of Title 43, the state fire marshal, the proper local fire marshal, state  
936 inspector, or designated code official enforcement personnel may decline to accept  
937 building plan reviews submitted by any private professional provider who has  
938 submitted multiple reports which required revisions due to negligence, noncompliance,  
939 or deficiencies.

940 (b) A complete set of approved plans and specifications shall be maintained on the  
941 construction site, and construction shall proceed in compliance with the minimum fire  
942 safety standards under which such plans and specifications were approved. The owner of  
943 any such building or structure or his or her authorized representative shall notify the state  
944 fire marshal, the proper local fire marshal, or state inspector upon completion of  
945 approximately 80 percent of the construction thereof and shall apply for a certificate of  
946 occupancy when construction of such building or structure is completed.

947 (c) Every building or structure which comes under classification in paragraph (1) of  
948 subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
949 ~~office of the Commissioner~~ Division of Fire Safety within the Georgia Public Safety  
950 Training Center pursuant to Code Section 25-2-12 shall have a certificate of occupancy  
951 issued by the state fire marshal, the proper local fire marshal, or the state inspector before  
952 such building or structure may be occupied. Such certificates of occupancy shall be issued  
953 for each business establishment within the building, shall carry a charge in the amount  
954 provided in Code Section 25-2-4.1, shall state the occupant load for such business  
955 establishment or building, shall be posted in a prominent location within such business  
956 establishment or building, and shall run for the life of the building, except as provided in  
957 subsection (d) of this Code section.

958 (d) For purposes of this chapter, any existing building or structure listed in paragraph (1)  
959 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the  
960 ~~office of the Commissioner~~ Division of Fire Safety within the Georgia Public Safety  
961 Training Center pursuant to Code Section 25-2-12 shall be deemed to be a proposed  
962 building in the event such building or structure is subject to substantial renovation, a fire  
963 or other hazard of serious consequence, or a change in the classification of occupancy. For  
964 purposes of this subsection, the term 'substantial renovation' means any construction project  
965 involving exits or internal features of such building or structure costing more than the  
966 building's or structure's assessed value according to county tax records at the time of such  
967 renovation.

968 (e) In cases where the governing authority of a municipality which is enforcing the fire  
969 safety standards pursuant to subsection (a) of Code Section 25-2-12 contracts with the  
970 ~~office of the Commissioner~~ Division of Fire Safety within the Georgia Public Safety  
971 Training Center for the enforcement of fire safety standards, the ~~office of the~~  
972 ~~Commissioner~~ Division of Fire Safety within the Georgia Public Safety Training Center  
973 shall not charge such municipality fees in excess of those charged in this Code section.

974 25-2-14.1.

975 (a) Every building and structure existing as of April 1, 1968, which building or structure  
976 is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the  
977 minimum fire safety standards adopted in the rules and regulations promulgated pursuant  
978 to this chapter which were in effect at the time such building or structure was constructed,  
979 except that any nonconformance noted under the electrical standards adopted at the time  
980 such building or structure was constructed shall be corrected in accordance with the current  
981 electrical standards adopted pursuant to this chapter. A less restrictive provision contained

982 in any subsequently adopted minimum fire safety standard may be applied to any existing  
983 building or structure.

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

988 25-2-14.2.

989 (a) As used in this Code section, the term 'written notification' means a typed, printed, or  
990 handwritten notice citing the specific sections of the applicable codes or standards that have  
991 been violated and describing specifically where and how the design or construction is  
992 noncompliant with such codes or standards.

993 (b) If the state fire marshal, the proper local fire marshal, state inspector, or designated  
994 code official determines that the building construction or plans for any building or  
995 structure, which are required under this chapter to meet the state minimum fire safety  
996 standards, do not comply with any such applicable codes or standards, the state fire  
997 marshal, the proper local fire marshal, state inspector, or designated code official may deny  
998 a permit or request for a certificate of occupancy or certificate of completion, as  
999 appropriate, or may issue a stop-work order for the project or any portion thereof as  
1000 provided by law or rule or regulation, after giving written notification and opportunity to  
1001 remedy the violation.

1002 25-2-15.

1003 In existing buildings which come under the classification in paragraph (1) of subsection (b)  
1004 of Code Section 25-2-13, when substandard conditions are found, a temporary occupancy  
1005 permit may be issued, such permit carrying a time limit adjusted to meet the amount of  
1006 time deemed necessary to make the proper corrections in order to bring the building up to  
1007 standard. All certificates of occupancy shall be issued against the building and shall not  
1008 require renewal because of change of ownership. The same set of fees for certificates of  
1009 occupancy as are applicable to proposed buildings covered in Code Section 25-2-14 shall  
1010 apply. The ~~Commissioner~~ commissioner and his or her delegated authorities shall  
1011 determine the time limit for complying with any of the standards established pursuant to  
1012 this chapter.

1013 25-2-16.

1014 (a) Some substances constitute a special hazard to property and to the life and safety of  
1015 persons because of certain characteristics and properties incident to their storage, handling,

1016 and transportation. Substances presenting such a special hazard include gasoline, kerosene,  
 1017 and other flammable liquids; liquefied petroleum gases; welding and other gases;  
 1018 dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly  
 1019 flammable or hazardous nature.

1020 (b) Every person who stores, transports, or handles any of the hazardous substances listed  
 1021 in subsection (a) of this Code section shall so store, transport, and handle the substances  
 1022 as to afford every precaution and protection as may be found by the ~~Commissioner~~  
 1023 commissioner to be reasonable and practical to avoid injury to persons from exposure, fire,  
 1024 or explosion caused by the storage, transportation, or handling of these substances,  
 1025 including transportation thereof only in vehicles which are in proper condition for that  
 1026 purpose.

1027 (c) The ~~Commissioner~~ commissioner is directed to investigate the nature and properties  
 1028 of such hazardous substances and the known precautionary and protective techniques for  
 1029 their storage, transportation, and handling, including, but not limited to, the codes and  
 1030 standards adopted, recommended, or issued by the National Fire Protection Association and  
 1031 the Agricultural Nitrogen Institute. Based upon the investigation, the ~~Commissioner~~  
 1032 commissioner is authorized to determine and by rule to provide what precautionary and  
 1033 protective techniques are reasonable and practical measures for the prevention of injury to  
 1034 persons and property from the storage, transportation, and handling of such highly  
 1035 flammable or hazardous substances. Such authorization shall include the power to provide,  
 1036 by rule, the minimum standards that a vehicle shall meet before it is considered to be in  
 1037 proper condition to transport the material. No person shall transport any such material or  
 1038 substance in bulk unless the vehicle in which it is transported is in the proper condition, as  
 1039 provided by such rules, to transport the material with reasonable safety.

1040 (d)(1) As used in this subsection, the term:

1041 (A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which  
 1042 contains a valve which automatically shuts off the flow of gasoline or diesel fuel  
 1043 through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a  
 1044 certain level.

1045 (B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump  
 1046 nozzle, which device mechanically holds the nozzle and valve in an open position.

1047 (C) 'Self-service station' means any place of business which sells gasoline or diesel fuel  
 1048 at retail and which allows customers to dispense the fuel.

1049 (2) No self-service station shall be prohibited from installing and no customer at such  
 1050 station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps  
 1051 available for operation by the customer. However, if hold-open latches are used on

1052 pumps operated by the customer, such pumps shall be equipped with a functioning  
1053 automatic-closing device.

1054 (e) Plans and specifications for all proposed bulk storage facilities which come under  
1055 classification in subsection (a) of this Code section shall be submitted to and receive  
1056 approval by the state fire marshal and the proper local fire marshal before construction is  
1057 started. All such plans and specifications submitted as required by this subsection shall be  
1058 accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration  
1059 number of the drafting architect or engineer or shall otherwise have the approval of the  
1060 ~~Commissioner~~ commissioner.

1061 25-2-17.

1062 (a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical  
1063 compound or mechanical mixture which is commonly used or intended for the purpose of  
1064 producing an explosion, which compound or mixture contains any oxidizing and  
1065 combustible units or other ingredients in such proportions, quantities, or packing that an  
1066 ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of  
1067 the compound or mixture may cause such a sudden generation of highly heated gases that  
1068 the resultant gaseous pressures are capable of producing destructive effects on contiguous  
1069 objects or of destroying life or limb. Explosives constitute a special hazard to life and  
1070 safety of persons because of the danger incident to their manufacture, transportation, use,  
1071 sale, and storage.

1072 (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so  
1073 manufacture, transport, use, sell, and store them as to afford every precaution and  
1074 protection against injury to persons as the ~~Commissioner~~ commissioner may determine and  
1075 by rule declare to be reasonable and practical; provided, however, that nothing contained  
1076 in this Code section shall be construed to extend to storage, use, or sale of small arms  
1077 ammunition.

1078 (c) The ~~Commissioner~~ commissioner is directed to investigate and examine the nature and  
1079 properties of various explosives and known safety and protective techniques, including the  
1080 safety standards, recommendations, and codes of the National Fire Protection Association  
1081 (Explosives Ordinance, National Fire Code), and the American Insurance Association, the  
1082 successor to the National Board of Fire Underwriters. Based upon the investigation, the  
1083 ~~Commissioner~~ commissioner is authorized to determine and by rule to provide what  
1084 reasonable and practical protection must be afforded persons with respect to the  
1085 manufacture, transportation, use, sale, and storage of explosives.

1086 (d) No person shall manufacture, transport, use, sell, or store explosives without having  
1087 first obtained a license therefor issued by the ~~Commissioner~~ commissioner in accordance

1088 with reasonable rules established by him. The ~~Commissioner~~ commissioner is authorized  
1089 to make reasonable rules providing for the issuance of such licenses on an annual basis to  
1090 those applicants who have observed and may be expected to observe safety rules lawfully  
1091 made under this Code section. Graded fees for such licenses shall be as provided in Code  
1092 Section 25-2-4.1. The permits for the use only of explosives may be issued by judges of  
1093 the probate courts or other local elected officials whom the ~~Commissioner~~ commissioner  
1094 may designate. Fees for such permits to use explosives shall be \$2.00 for each permit  
1095 issued, which fee shall be retained by the issuing local official.

1096 (e) Every person licensed under this Code section who suffers a larceny or attempted  
1097 larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof  
1098 to local law enforcement agencies and to the state fire marshal, in accordance with rules  
1099 made by the ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner is authorized  
1100 to make such rules.

1101 25-2-18.

1102 All federal, state, county, or city publicly owned buildings covered by this chapter are  
1103 exempt from any fee or license which may be specified in this chapter. Such fees or  
1104 licenses may be waived where chargeable to churches and charitable organizations.

1105 25-2-19.

1106 The ~~Commissioner~~ commissioner shall promulgate reasonable rules and regulations  
1107 governing and regulating fire hazards in hotels, apartment houses, department stores,  
1108 warehouses, storage places, and places of public assembly.

1109 25-2-20.

1110 All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention  
1111 regulatory license from the state fire marshal based upon compliance with this chapter, as  
1112 set forth in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The  
1113 fee for the license shall be \$150.00 for each calendar year or part thereof, payable to the  
1114 state fire marshal, who shall pay the same into the state treasury.

1115 25-2-21.

1116 Reserved.

1117 25-2-22.

1118 (a) The ~~Commissioner~~ commissioner and the various officials delegated by him or her to  
1119 carry out this chapter shall have the authority at all times of the day and night to enter in

1120 or upon and to examine any building or premises where a fire is in progress or has  
 1121 occurred, as well as other buildings or premises adjacent to or near the same. The  
 1122 ~~Commissioner~~ commissioner and his or her delegated authorities shall have the right to  
 1123 enter in and upon all buildings and premises subject to this chapter, at any reasonable time,  
 1124 for the purpose of examination or inspection.

1125 (b) Upon complaint submitted in writing, the ~~Commissioner~~ commissioner and the various  
 1126 officials to whom enforcement authority is delegated under this chapter may enter in or  
 1127 upon any building or premises between the hours of sunrise and sunset for the purpose of  
 1128 investigating the complaint. Upon the complaint of any person, the state fire marshal or  
 1129 his or her deputized officials may inspect or cause to be inspected all buildings and  
 1130 premises within their jurisdiction whenever ~~he or they~~ the state fire marshal or his or her  
 1131 deputized officials deem it necessary.

1132 25-2-22.1.

1133 (a) The ~~Commissioner~~ commissioner, his or her delegate, or any other person authorized  
 1134 under this title to conduct inspections of property, in addition to other procedures now or  
 1135 hereafter provided, may obtain an inspection warrant under the conditions specified in this  
 1136 Code section. Such warrant shall authorize the ~~Commissioner~~ commissioner or his or her  
 1137 delegate or such authorized person to conduct a search or inspection of property either with  
 1138 or without the consent of the person whose property is to be searched or inspected if such  
 1139 search or inspection is one that is elsewhere authorized under this title or the rules and  
 1140 regulations duly promulgated hereunder.

1141 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or  
 1142 magistrate court upon proper oath or affirmation showing probable cause for the purpose  
 1143 of conducting inspections authorized by this title or rules promulgated under this title and  
 1144 for the seizure of property or the taking of samples appropriate to the inspection. For the  
 1145 purposes of issuance of inspection warrants, probable cause exists upon showing a valid  
 1146 public interest in the effective enforcement of this title or rules promulgated under this title  
 1147 sufficient to justify inspection of the area, premise, building, or conveyance in the  
 1148 circumstances specified in the application for the warrant.

1149 (c) A warrant shall be issued only upon affidavit of the ~~Commissioner~~ commissioner or  
 1150 his or her designee or any person authorized to conduct inspections pursuant to this title,  
 1151 sworn to before the judicial officer and establishing the grounds for issuing the warrant.  
 1152 The issuing judge may issue the warrant when he or she is satisfied that the following  
 1153 conditions are met:

1154 (1) The one seeking the warrant must establish under oath or affirmation that the  
 1155 property to be inspected is to be inspected as a part of a legally authorized program of

1156 inspection which includes that property or that there is probable cause for believing that  
 1157 there is a condition, object, activity, or circumstance which legally justifies such an  
 1158 inspection of that property; and

1159 (2) The issuing judge determines that the issuance of the warrant is authorized by this  
 1160 Code section.

1161 (d) The warrant shall:

1162 (1) State the grounds for its issuance and the name of each person whose affidavit has  
 1163 been taken in support thereof;

1164 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

1165 (3) Command the persons to whom it is directed to inspect the area, premise, building,  
 1166 or conveyance identified for the purpose specified and, if appropriate, direct the seizure  
 1167 of the property specified;

1168 (4) Identify the item or types of property to be seized, if any; and

1169 (5) Designate the judicial officer to whom it shall be returned.

1170 (e) A warrant issued pursuant to this Code section must be executed and returned within  
 1171 ten days of its date of issuance unless, upon a showing of a need for additional time, the  
 1172 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided  
 1173 upon request to the person from whom or from whose premises the property is taken,  
 1174 together with a receipt for the property taken. The return of the warrant shall be made  
 1175 promptly, accompanied by a written inventory of any property taken. A copy of the  
 1176 inventory shall be delivered upon request to the person from whom or from whose  
 1177 premises the property was taken and to the applicant for the warrant.

1178 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return  
 1179 and all papers returnable in connection therewith and file them with the clerk of the  
 1180 superior court for the county in which the inspection was made.

1181 25-2-23.

1182 ~~When any of the officers listed~~ the commissioner or his or her delegated authorities as  
 1183 provided for in Code Section 25-2-22 finds any building or other structure which, for want  
 1184 of repair or by reason of age or dilapidated condition or any other cause is especially liable  
 1185 to fire hazard or which is so situated as to endanger other property or the safety of the  
 1186 public, or when, in or around any building, ~~such officer~~ the commissioner or his or her  
 1187 delegated authorities finds combustible or explosive matter, inflammables, or other  
 1188 conditions dangerous to the safety of the building, notice may be given to the owner or  
 1189 agent and occupant of the building to correct such unsafe conditions as may be found.

1190 25-2-24.

1191 If any owner, agent, or occupant fails to comply with the notice prescribed in Code  
1192 Section 25-2-23 within the time specified in the notice, the state fire marshal or his or her  
1193 delegated officials, with the approval of the ~~Commissioner~~ commissioner, may petition the  
1194 court for a rule nisi to show cause why an order should not be issued by the court that the  
1195 same be removed or remedied. Such court order shall forthwith be complied with by the  
1196 owner or occupant of the premises or building within such time as may be fixed in the court  
1197 order.

1198 25-2-25.

1199 If any person fails to comply with the order of the court made pursuant to Code  
1200 Section 25-2-24 within the time fixed, the city or county in which the building or premises  
1201 in question are located shall cause the building or premises to be forthwith repaired, torn  
1202 down, or demolished, the hazardous materials removed, or the dangerous conditions  
1203 remedied, as the case may be, at the expense of the city or county in which the property is  
1204 situated. If the owner thereof, within 30 days after notice in writing of the amount of such  
1205 expense, fails, neglects, or refuses to repay the city or county the expense thereby incurred,  
1206 the local authorities shall issue a fi. fa. against the owner of the property for the expense  
1207 actually incurred.

1208 25-2-26.

1209 Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for  
1210 ordering the carrying out and enforcement of such Code sections shall be by order of the  
1211 court and not by the ~~Commissioner~~ commissioner or his or her delegated ~~authority~~  
1212 authorities.

1213 25-2-27.

1214 The state fire marshal or his or her deputy, when in his or her opinion such proceedings are  
1215 necessary, shall take the testimony on oath of all persons believed to be cognizant of or to  
1216 have information or knowledge in relation to suspected arson and shall cause the testimony  
1217 to be reduced to writing. If he or she is of the opinion that there is evidence sufficient to  
1218 charge any person with the crime of arson, he or she shall cause such person to be arrested  
1219 in accordance with the law. He or she shall also furnish the district attorney of the circuit  
1220 in which the fire occurred with all the information obtained by him or her in his or her  
1221 investigation. The district attorney shall thereupon proceed according to law.

1222 25-2-28.

1223 (a) The state fire marshal or the deputy state fire marshal shall have the power to summon  
1224 and compel the attendance of witnesses before either or both of them, in any county in  
1225 which the witness resides, to testify in relation to any matter which is designated by Code  
1226 Section 25-2-27 as a subject of inquiry and to issue subpoenas to compel the production  
1227 of all books, records, documents, and papers pertaining to such subject of inquiry. The  
1228 state fire marshal and deputy state fire marshal may also administer oaths and affirmations  
1229 to persons appearing as witnesses before them. Any person summoned shall have the right  
1230 of counsel at the hearing if he or she desires.

1231 (b) Should any person fail to comply with this Code section, the state fire marshal or his  
1232 or her agent is authorized to procure an order from the superior court of the county in  
1233 which the proposed witness resides, requiring compliance under the law.

1234 25-2-29.

1235 All hearings held by or under the direction of the ~~Commissioner~~ commissioner shall be  
1236 conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
1237 Procedure Act,' and the ~~Commissioner~~ commissioner may also satisfy the procedure for  
1238 conduct of hearings on contested cases and rule making required under said chapter by  
1239 following and complying with Chapter 2 of Title 33.

1240 25-2-30.

1241 It shall be the duty of the state fire marshal to contact individuals, associations, and state  
1242 agencies, both within and outside this state, which have a direct interest in the  
1243 fundamentals of fire prevention and life safety, for the purpose of promoting the objectives  
1244 of this chapter.

1245 25-2-31.

1246 (a) The state fire marshal may promote any plan or program which tends to disseminate  
1247 information on fire prevention and similar projects and may aid any association or group  
1248 of individuals which is primarily organized along such lines.

1249 (b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire  
1250 prevention education in the schools of this state and to establish fire drills therein. All local  
1251 school authorities are required to cooperate with the state fire marshal in carrying out  
1252 programs designed to protect the lives of school children from fire and related hazards.

1253 25-2-32.

1254 (a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire  
1255 losses, together with statistical data concerning the same. The various fire insurance  
1256 companies doing business in this state shall submit to the ~~Commissioner~~ commissioner,  
1257 quarterly, a report stating all the losses sustained by them, together with such pertinent data  
1258 as may be required by the ~~Commissioner~~ commissioner.

1259 (b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall  
1260 be reported to the ~~office of Safety Fire Commissioner~~ Division of Fire Safety within the  
1261 Georgia Public Safety Training Center. Every fire ~~department~~ agency provided for in  
1262 Chapter 3 of this title shall submit incident data either via a uniform electronic reporting  
1263 method or on a uniform reporting form prescribed by the ~~Commissioner~~ commissioner and  
1264 at intervals established by the ~~Commissioner~~ commissioner.

1265 25-2-32.1.

1266 Every case of a burn injury or wound where the victim sustained second-degree or  
1267 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory  
1268 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn  
1269 injury or wound which is likely to or may result in death, shall be reported at once to the  
1270 ~~Safety Fire Division of the office of the Commissioner of Insurance~~ Division of Fire Safety  
1271 within the Georgia Public Safety Training Center. The ~~Safety Fire Division~~ commissioner  
1272 shall accept the report and notify the proper investigatory agency as may be appropriate.  
1273 A written report shall be provided to the ~~Safety Fire Division~~ commissioner within 72  
1274 hours. The report shall be made by the physician attending or treating the case or by the  
1275 manager, superintendent, or other person in charge whenever such case is treated in a  
1276 hospital sanitarium, institution, or other medical facility.

1277 25-2-32.2.

1278 Every county or municipal governing authority or any two or more governing authorities  
1279 or the ~~Safety Fire Division~~ Division of Fire Safety within the Georgia Public Safety  
1280 Training Center are authorized and empowered to take such action as may be required to  
1281 formulate task forces, teams, or fire or police investigative units to investigate any case of  
1282 a burn injury or wound sustained as reported pursuant to Code Section 25-2-32.1, to  
1283 ascertain the cause of fires or explosions of suspicious origin within the county or  
1284 municipalities, to pursue necessary investigation thereof, and to assist in the preparation  
1285 and prosecution of cases stemming from any alleged criminal activity attendant to such  
1286 fires or explosions.

1287 25-2-33.

1288 (a) The state fire marshal, any deputy designated by the state fire marshal, the director of  
1289 the Georgia Bureau of Investigation or the chief of a fire department of any municipal  
1290 corporation or county where a fire department is established may request any insurance  
1291 company investigating a fire loss of real or personal property to release any information in  
1292 its possession relative to that loss. The company shall release the information to and  
1293 cooperate with any official authorized to request such information pursuant to this Code  
1294 section. The information to be released shall include, but is not limited to:

1295 (1) Any insurance policy relevant to the fire loss under investigation and any application  
1296 for such a policy;

1297 (2) Policy premium payment records on the policy, to the extent available;

1298 (3) Any history of previous claims made by the insured for fire loss with the reporting  
1299 carrier; and

1300 (4) Material relating to the investigation of the loss, including statements of any person,  
1301 proof of loss, and any other relevant evidence.

1302 (b) If an insurance company has reason to suspect that a fire loss to its insured's real or  
1303 personal property was caused by incendiary means, the company shall notify the state fire  
1304 marshal and furnish him or her with all relevant material acquired by the company during  
1305 its investigation of the fire loss. The insurer shall also cooperate with and take such action  
1306 as may be requested of it by the state fire marshal's office or by any law enforcement  
1307 agency of competent jurisdiction. The company shall also permit any person to inspect its  
1308 records pertaining to the policy and to the loss if the person is authorized to do so by law  
1309 or by an appropriate order of a superior court of competent jurisdiction.

1310 (c) In the absence of fraud or malice, no insurance company or person who furnishes  
1311 information on its behalf shall be liable for damages in a civil action or subject to criminal  
1312 prosecution for any oral or written statement made or any other action taken which is  
1313 necessary to supply information required pursuant to this Code section.

1314 (d) The officials and departmental and agency personnel receiving any information  
1315 furnished pursuant to this Code section shall hold the information in confidence until such  
1316 time as its release is required pursuant to a criminal or civil proceeding, provided that  
1317 nothing contained in this Code section shall be deemed to prohibit representatives of the  
1318 state fire marshal's office or other authorized law enforcement officials from discussing  
1319 such matters with other agency or departmental personnel or with other law enforcement  
1320 officials or from releasing or disclosing any such information during the conduct of their  
1321 investigation, if the release or disclosure is necessary to enable them to conduct their  
1322 investigation in an orderly and efficient manner; provided, further, that nothing contained  
1323 in this Code section shall prohibit an insurance company which furnishes information to

1324 an authorized agency or agencies pursuant to this Code section from having the right to  
 1325 request relevant information and receive, within a reasonable time not to exceed 30 days,  
 1326 the information requested.

1327 (e) Any official referred to in subsection (a) of this Code section may be required to testify  
 1328 as to any information in his or her possession regarding the fire loss of real or personal  
 1329 property in any civil action against an insurance company for the fire loss in which any  
 1330 person seeks recovery under a policy.

1331 (f)(1) No person shall purposely refuse to release any information requested pursuant to  
 1332 subsection (a) of this Code section.

1333 (2) No person shall purposely refuse to notify the state fire marshal of a fire loss required  
 1334 to be reported pursuant to subsection (b) of this Code section.

1335 (3) No person shall purposely refuse to supply the state fire marshal with pertinent  
 1336 information required to be furnished pursuant to subsection (b) of this Code section.

1337 (4) No person shall purposely fail to hold in confidence information required to be held  
 1338 in confidence by subsection (d) of this Code section.

1339 (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

1340 25-2-33.1.

1341 (a) The fire department of each county and municipality and any other organized fire  
 1342 department operating within this state shall report every incident or suspected incident of  
 1343 arson to the local law enforcement agency, the state fire marshal, and every insurance  
 1344 company with a known pecuniary interest in the cause of the fire in which arson is involved  
 1345 or suspected to be involved. In any local jurisdiction where an organized fire department  
 1346 is not operating, the local law enforcement agency investigating a fire shall make the  
 1347 reports required by this Code section. Such reports shall be made on forms provided for  
 1348 that purpose by the state fire marshal.

1349 (b) Any insurance company which has received a report of an incident or suspected  
 1350 incident of arson under subsection (a) of this Code section shall not pay any claim relating  
 1351 thereto prior to notifying in writing the state fire marshal and local fire department of the  
 1352 date the claim is to be paid.

1353 25-2-34.

1354 The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of  
 1355 Investigation shall cooperate with the ~~Commissioner~~ commissioner and his or her deputies  
 1356 and inspectors whenever called upon by him or her or them in enforcing this chapter. They  
 1357 shall make available to the ~~Commissioner~~ commissioner or his or her deputies and

1358 inspectors such facilities as lie detectors, broadcasting facilities, and other aid and devices  
1359 as requested.

1360 25-2-35.

1361 The ~~Commissioner~~ commissioner is authorized to pay sheriffs and other peace officers  
1362 reasonable fees for assistance given in assembling evidence as to the causes or criminal  
1363 origin of fires and in apprehending persons guilty of arson.

1364 25-2-36.

1365 In addition to the civil monetary penalty provided for in Code Section 25-2-37, the  
1366 ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of any provision  
1367 of this chapter or any rule, regulation, or order issued by the ~~Commissioner~~ commissioner  
1368 under this chapter. In particular, but not by way of limitation upon the authority granted  
1369 in this Code section, the ~~Commissioner~~ commissioner may bring an action to enjoin any  
1370 construction found to be in contravention of Code Section 25-2-13 or 25-2-14 or to obtain  
1371 an order of court directing the immediate evacuation and the secure closure of any structure  
1372 which, by reason of violation of any provision of this chapter or of any rule, regulation, or  
1373 order issued by the ~~Commissioner~~ commissioner under this chapter, is found to pose an  
1374 immediate threat to the property, health, or lives of the occupants of the structure. In order  
1375 to avail himself or herself of the remedies provided for in this Code section, it shall not be  
1376 necessary for the ~~Commissioner~~ commissioner to allege or to prove the absence of an  
1377 adequate remedy at law.

1378 25-2-37.

1379 (a) It shall be unlawful for any person to lock an exit door whether or not it is a required  
1380 exit unless such provisions are allowed by this chapter or by any rule, regulation, or order  
1381 issued by the ~~Commissioner~~ commissioner under this chapter.

1382 (b) It shall be unlawful for any person to begin construction on any proposed building or  
1383 structure which comes under the classification in paragraph (1) of subsection (b) of Code  
1384 Section 25-2-13 and which comes under the jurisdiction of the ~~office of the Commissioner~~  
1385 of Insurance Division of Fire Safety within the Georgia Public Safety Training Center  
1386 pursuant to Code Section 25-2-12 without first having plans approved in accordance with  
1387 Code Section 25-2-14.

1388 (c) Any person who violates this chapter or any rule, regulation, or order issued by the  
1389 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty imposed  
1390 by the ~~Commissioner~~ commissioner in accordance with the rules and regulations  
1391 promulgated by the ~~Commissioner~~ commissioner.

1392 (d) Any person who violates this chapter or any rule, regulation, or order issued by the  
 1393 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty not to  
 1394 exceed \$1,000.00 for each day that the violation persists after such person is notified of the  
 1395 ~~Commissioner's~~ commissioner's intent to impose such penalty and of the right to a hearing  
 1396 with respect to same.

1397 (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to  
 1398 a fine of not more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more  
 1399 than \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than  
 1400 \$5,000.00 for a third or subsequent offense.

1401 25-2-38.

1402 Any person, firm, or corporation violating this chapter or failing or refusing to comply with  
 1403 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

1404 25-2-38.1.

1405 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign  
 1406 immunity of the state, or any officer or employee thereof, in carrying out the provisions of  
 1407 this chapter. No action shall be maintained against the state, or any municipality, or  
 1408 county, or any officer, elected officer, or employees thereof, for damages sustained as a  
 1409 result of any fire or related hazard covered in this chapter by reason of any inspection or  
 1410 other action taken or not taken pursuant to this chapter.

1411 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee  
 1412 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,  
 1413 or use of such property.

1414 25-2-39.

1415 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,  
 1416 is remedial in nature, and shall be construed liberally.

1417 25-2-40.

1418 (a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after  
 1419 July 1, 1987, every new dwelling and every new dwelling unit within an apartment,  
 1420 house, condominium, and townhouse and every motel, hotel, and dormitory shall be  
 1421 provided with an approved listed smoke detector installed in accordance with the  
 1422 manufacturer's recommendations and listing.

1423 (2) On and after July 1, 1994, every dwelling and every dwelling unit within an  
 1424 apartment, house, condominium, and townhouse and every motel, hotel, and dormitory

1425 which was constructed prior to July 1, 1987, shall have installed an approved battery  
1426 operated smoke detector which shall be maintained in good working order unless any  
1427 such building is otherwise required to have a smoke detector system pursuant to Code  
1428 Section 25-2-13.

1429 (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall  
1430 be provided with no less than an approved listed battery operated single station smoke  
1431 detector installed in accordance with their listing. Such detectors shall be maintained in  
1432 good working order by the operator of such nursing home. This paragraph shall not apply  
1433 to nursing homes equipped with automatic sprinkler systems.

1434 (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code  
1435 section, a smoke detector shall be mounted on the ceiling or wall at a point centrally  
1436 located in the corridor or area giving access to each group of rooms used for sleeping  
1437 purposes. Where the dwelling or dwelling unit contains more than one story, detectors are  
1438 required on each story including cellars and basements, but not including uninhabitable  
1439 attics; provided, however, that hotels and motels which are protected throughout by an  
1440 approved supervised automatic sprinkler system installed in accordance with the rules and  
1441 regulations of the ~~Commissioner~~ commissioner shall be exempt from the requirement to  
1442 install smoke detectors in interior corridors but shall be subject to all other applicable  
1443 requirements imposed under Code Section 25-2-13.

1444 (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection  
1445 (a) of this Code section with split levels, a smoke detector need be installed only on the  
1446 upper level, provided that the lower level is less than one full story below the upper level,  
1447 except that if there is a door between levels then a detector is required on each level. Such  
1448 detectors shall be connected to a sounding device or other detector to provide an alarm  
1449 which will be audible in the sleeping areas.

1450 (d) Detectors shall be listed and meet the installation requirements of NFPA 72. In  
1451 addition, a one and one-half hour emergency power supply source is required on all  
1452 detection systems required by this chapter and permitted after April 1, 1992, except where  
1453 battery operated smoke detectors are allowed.

1454 (e) Any complete automatic fire alarm system using automatic smoke detectors shall be  
1455 installed in accordance with NFPA 72.

1456 (f)(1) The provisions of this Code section may be enforced by local building and fire  
1457 code officials in the case of residential buildings which are not covered by Code Section  
1458 25-2-13; provided, however, that this Code section shall not establish a special duty on  
1459 said officials to inspect such residential facilities for compliance with this Code section;  
1460 and provided, further, that inspections shall not be conducted for the purpose of  
1461 determining compliance with this Code section absent reasonable cause to suspect other

1462 building or fire code violations. The jurisdiction enforcing this Code section shall retain  
1463 any fines collected pursuant to this subsection.

1464 (2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit,  
1465 or other facility, other than a nursing home, listed in subsection (a) of this Code section  
1466 in good working order as required in this Code section shall be subject to a maximum fine  
1467 of \$25.00, provided that a warning shall be issued for a first violation.

1468 (3) Any operator of a nursing home who fails to install and maintain the smoke detectors  
1469 required under paragraph (3) of subsection (a) of this Code section shall be sanctioned  
1470 in accordance with Code Section 31-2-8.

1471 (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling  
1472 unit, or other facility listed in subsection (a) of this Code section in violation of this Code  
1473 section shall not be considered evidence of negligence, shall not be considered by the court  
1474 on any question of liability of any person, corporation, or insurer, shall not be any basis for  
1475 cancellation of coverage or increase in insurance rates, and shall not diminish any recovery  
1476 for damages arising out of the ownership, maintenance, or occupancy of such dwelling,  
1477 dwelling unit, or other facility listed in subsection (a) of this Code section.

1478 (h) The ~~Safety Fire Commissioner~~ commissioner is authorized and encouraged to inform  
1479 the public through public service announcements of the availability of a limited number of  
1480 battery operated smoke detectors which may be obtained by persons in need without charge  
1481 from the office of ~~Safety Fire Commissioner~~ the commissioner or local fire departments.

1482 25-2-41.

1483 (a) The Fire Safety Advisory Board is established. The board shall be composed of 17  
1484 members, who shall be appointed as follows:

1485 (1) Four members who are fire safety professionals shall be appointed by the Governor;

1486 (2) Two members who are fire safety professionals shall be appointed by the Speaker of  
1487 the House of Representatives;

1488 (3) Two members who are fire safety professionals shall be appointed by the Lieutenant  
1489 Governor;

1490 (4) One member shall be the Commissioner of Insurance or his or her designee;

1491 (5) One member shall be the president of the Georgia Association of Fire Chiefs, ex  
1492 officio;

1493 (6) One member shall be the president of the Georgia State Firefighters' Association, ex  
1494 officio;

1495 (7) The commissioner shall appoint one member who shall be a member of the Georgia  
1496 Municipal Association;

- 1497 (8) The commissioner shall appoint one member who shall be a member of the  
 1498 Association County Commissioners of Georgia;
- 1499 (9) The commissioner shall appoint one member who shall be a representative of the  
 1500 Insurance Services Office;
- 1501 (10) The commissioner shall appoint one member from the Georgia propane gas  
 1502 industry;
- 1503 (11) The commissioner shall appoint one member who shall be a member of the Georgia  
 1504 Oilmen's Association; and
- 1505 (12) The commissioner shall appoint one member from the manufactured home industry.  
 1506 All members shall serve until their successors are appointed and qualified.
- 1507 (b) At the first regular meeting of the board held in each even-numbered year, the board  
 1508 shall elect a chairperson and such other officers from its own membership as it deems  
 1509 necessary to serve until successors are elected by the board as provided in this subsection.
- 1510 (c) The board shall provide advice to the commissioner, administrator of the Georgia  
 1511 Public Safety Training Center, and the Georgia Public Safety Training Center on all  
 1512 matters before the Division of Fire Safety.
- 1513 (d) Each member of the board, in carrying out his or her official duties, shall be entitled  
 1514 to receive the same expense and mileage allowance authorized for members of professional  
 1515 licensing boards pursuant to subsection (f) of Code Section 43-1-2. The funds for such  
 1516 expenses and allowances shall be paid from funds appropriated or available to the Division  
 1517 of Fire Safety.
- 1518 25-2-42.
- 1519 The Division of Fire Safety within the Georgia Public Safety Training Center shall succeed  
 1520 to all rules, regulations, policies, procedures, and pending and finalized administrative  
 1521 orders of the Safety Fire Division of the office of the Commissioner of Insurance  
 1522 applicable to the duties of the Division of Fire Safety within the Georgia Public Safety  
 1523 Training Center which are in effect on June 30, 2019. Such rules, regulations, policies,  
 1524 procedures, and orders shall remain in effect until amended, repealed, superseded, or  
 1525 nullified by the Division of Fire Safety within the Georgia Public Safety Training Center.
- 1526 25-2-43.
- 1527 All valid agreements, contracts, licenses, permits, certificates, and similar authorizations  
 1528 previously issued by the Commissioner of Insurance, the state fire marshal, or any division,  
 1529 department, or agency with respect to any function transferred to the Division of Fire  
 1530 Safety within the Georgia Public Safety Training Center as provided in this chapter shall

1531 continue in effect until the same expire by their terms unless they are suspended, revoked,  
 1532 or otherwise made ineffective as provided by law.

1533 25-2-44.

1534 Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 1535 Training Center shall carry out all of the functions and obligations and exercise all of the  
 1536 powers provided in this chapter which were formerly held by the Safety Fire Division of  
 1537 the office of the Commissioner of Insurance. All persons employed by and positions  
 1538 authorized for the Department of Insurance relating to functions provided for in this chapter  
 1539 previously performed by the Safety Fire Division shall, on July 1, 2019, be transferred to  
 1540 the Division of Fire Safety within the Georgia Public Safety Training Center, specifically  
 1541 those persons employed in the hazardous materials program, the manufactured housing  
 1542 program, and the arson investigation program who are funded through the fire  
 1543 administration program budget of the Safety Fire Division of the office of the  
 1544 Commissioner of Insurance. All office equipment, furniture, and other assets and real  
 1545 property in possession of the Department of Insurance which are used or held exclusively  
 1546 or principally by personnel transferred under this chapter shall be transferred to the  
 1547 Division of Fire Safety within the Georgia Public Safety Training Center on July 1, 2019."

1548 **SECTION 3-2.**

1549 Said title is further amended by revising Chapter 7, relating to the Georgia Fire Academy,  
 1550 as follows:

1551 **"CHAPTER 7**

1552 **25-7-1.**

1553 This chapter shall be known and may be cited as the '~~Georgia Fire Academy Act.~~' Georgia  
 1554 Fire and Emergency Services Training Act.'

1555 **25-7-2.**

1556 The Professional Development Section of the Division of Fire Safety within the Georgia  
 1557 Public Safety Training Center is established. ~~There is created the Georgia Fire Academy,~~  
 1558 ~~the purposes of which~~ The section shall be, through training and research, charged with the  
 1559 duty of:

- 1560 (1) Reducing ~~To reduce~~ the costs in suffering and property loss resulting from fire;  
 1561 (2) Providing ~~To provide~~ professional training to paid, volunteer, and other publicly or  
 1562 privately employed firefighters at a minimal cost to them and their employers;

1563 (3) Assisting, by providing training to ~~To assist~~ the state and its counties, municipalities,  
 1564 and other political subdivisions and the officers thereof, in the investigation and  
 1565 determination of the causes of fires;

1566 (4) Developing ~~To develop~~ new methods of fire prevention and fire fighting;

1567 (5) Providing ~~To provide~~ facilities for testing fire-fighting and prevention equipment;  
 1568 and

1569 (6) Assisting ~~To assist~~ the state and its counties, municipalities, and other political  
 1570 subdivisions in the training and operations of fire department-related emergency medical  
 1571 services and rescue services.

1572 25-7-3.

1573 As used in this chapter, 'board' the term:

1574 (1) 'Commissioner' means the ~~Board of Public Safety~~ commissioner of fire safety.

1575 (2) 'Director' means the director of the Division of Fire Safety within the Georgia Public  
 1576 Safety Training Center.

1577 (3) 'Section' means the Professional Development Section of the Division of Fire Safety  
 1578 within the Georgia Public Safety Training Center.

1579 25-7-4.

1580 (a) The ~~Board of Public Safety~~ section is authorized and empowered to establish, operate,  
 1581 and maintain the Georgia Fire Academy for the purposes enumerated in Code Section  
 1582 25-7-2. The ~~board~~ Georgia Public Safety Training Center is authorized and empowered  
 1583 to do all things and to take whatever action is necessary to accomplish these purposes,  
 1584 including, but not limited to, the establishment and conduct of training programs and the  
 1585 promulgation of rules and regulations relative thereto. The ~~board~~ director shall ~~select~~ serve  
 1586 as the superintendent of the academy and shall fix the compensation for the superintendent  
 1587 Georgia Fire Academy.

1588 (b) ~~The board is authorized and directed to create an advisory council to advise and assist~~  
 1589 ~~it in carrying out its duties and responsibilities under this chapter. The membership of the~~  
 1590 ~~advisory council shall be as the board determines, except that such membership shall~~  
 1591 ~~include at least one representative from each of the following organizations: the~~  
 1592 ~~Association County Commissioners of Georgia, the Georgia Municipal Association, and~~  
 1593 ~~the Insurance Services Office. The director of the Georgia Firefighter Standards and~~  
 1594 ~~Training Council shall also be a member of the advisory council. The members of the~~  
 1595 ~~advisory council shall serve without compensation, but they may be reimbursed in the same~~  
 1596 ~~manner as state officials and employees for travel and other expenses actually incurred by~~  
 1597 ~~them in carrying out their duties as members of the council.~~

1598 25-7-5.

1599 ~~The superintendent of the Georgia Fire Academy~~ director, with the approval of the  
 1600 commissioner, shall be responsible for the selection of a staff for the Georgia Fire  
 1601 Academy. He or she shall also be responsible for the execution of all policies, programs,  
 1602 directives, and decisions promulgated by the ~~Board of Public Safety~~ Georgia Public Safety  
 1603 Training Center and for the direction of the staff and the daily operation of the academy.

1604 25-7-6.

1605 ~~(a) The Georgia Fire Academy is assigned to the Department of Public Safety for~~  
 1606 ~~administrative purposes only, as described in Code Section 50-4-3.~~

1607 ~~(b) The Board of Public Safety~~ Georgia Public Safety Training Center is authorized to  
 1608 accept gifts, grants, and donations for the purposes of carrying out this chapter. The ~~board~~  
 1609 Georgia Public Safety Training Center is also authorized to accept property, both real and  
 1610 personal, and services for the purposes of carrying out this chapter.

1611 25-7-7.

1612 Subject to the rules and regulations prescribed by the ~~Board of Public Safety~~ Georgia  
 1613 Public Safety Training Center, the training program of the ~~academy~~ Georgia Fire Academy  
 1614 shall be made available to all firefighters and may also be made available to other persons  
 1615 who evidence interest in entering the fire-fighting profession. The ~~board~~ Georgia Public  
 1616 Safety Training Center is authorized to prescribe fees to cover all or a part of the cost of  
 1617 furnishing the training, under such rules and regulations as the ~~board~~ Georgia Public Safety  
 1618 Training Center shall prescribe. The state, municipalities, and counties are authorized to  
 1619 expend funds for the purpose of paying such fees. The ~~board~~ Georgia Public Safety  
 1620 Training Center is given full authority to decide who shall be allowed to enroll in the  
 1621 training program of the ~~academy~~ Georgia Fire Academy.

1622 25-7-8.

1623 It is not the intention of this chapter that it be mandatory that any firefighter be required to  
 1624 attend the ~~academy~~ Georgia Fire Academy. The training program established at the  
 1625 academy shall not supersede any training program for firefighters now in existence or  
 1626 hereafter established but shall be separate and apart from any other training programs for  
 1627 firefighters.

1628 25-7-9.

1629 The Division of Fire Safety within the Georgia Public Safety Training Center shall succeed  
 1630 to all rules, regulations, policies, procedures, and pending and finalized administrative

1631 orders of the Georgia Fire Academy which are in effect on June 30, 2019. Such rules,  
 1632 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,  
 1633 superseded, or nullified by the commissioner.

1634 25-7-10.

1635 All valid agreements, contracts, licenses, permits, certificates, and similar authorizations  
 1636 previously issued by the Georgia Fire Academy with respect to any function transferred to  
 1637 the Division of Fire Safety within the Georgia Public Safety Training Center as provided  
 1638 in this chapter shall continue in effect until the same expire by their terms unless they are  
 1639 suspended, revoked, or otherwise made ineffective as provided by law.

1640 25-7-11.

1641 Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 1642 Training Center shall carry out all of the functions and obligations and exercise all of the  
 1643 powers formerly held by the Georgia Fire Academy. All persons employed by and  
 1644 positions authorized for the Georgia Fire Academy shall, on July 1, 2019, be transferred  
 1645 to the Division of Fire Safety within the Georgia Public Safety Training Center. All office  
 1646 equipment, furniture, and other assets and real property in possession of the Georgia Fire  
 1647 Academy which are used or held exclusively or principally by personnel transferred under  
 1648 this chapter shall continue to be used or held by the Division of Fire Safety within the  
 1649 Georgia Public Safety Training Center."

1650

#### **PART IV**

1651

#### **SECTION 4-1.**

1652 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is  
 1653 amended by revising Part 2 of Article 2 of Chapter 2, relating to manufactured homes, as  
 1654 follows:

1655

#### **"Part 2**

1656 8-2-130.

1657 This part shall be known and may be cited as 'The Uniform Standards Code for  
 1658 Manufactured Homes Act.'

1659 8-2-131.

1660 As used in this part, the term:

- 1661 (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.
- 1662 (2) 'Installer' means a person responsible for performing an installation and who is  
1663 required to obtain a license pursuant to the provisions of Code Section 8-2-160.
- 1664 (3) 'Lending institutions' means lenders that acquire manufactured or mobile homes  
1665 incident to their regular business, including national and state chartered banks, federal  
1666 and state chartered credit unions, lenders that are licensed under Article 13 of Chapter 1  
1667 of Title 7, and lenders that are involved in manufactured or mobile home chattel lending.
- 1668 (4) 'Manufactured home' means a structure, transportable in one or more sections, which,  
1669 in the traveling mode, is eight body feet or more in width or 40 body feet or more in  
1670 length or, when erected on site, is 320 or more square feet and which is built on a  
1671 permanent chassis and designed to be used as a dwelling with or without a permanent  
1672 foundation when connected to the required utilities and includes the plumbing, heating,  
1673 air-conditioning, and electrical systems contained therein; except that such term shall  
1674 include any structure which meets all the requirements of this paragraph except the size  
1675 requirements and with respect to which the manufacturer voluntarily files a certification  
1676 required by the secretary of housing and urban development and complies with the  
1677 standards established under the National Manufactured Housing Construction and Safety  
1678 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.
- 1679 (5) 'Manufacturer' means any person who constructs or assembles manufactured homes.
- 1680 (6) 'Mobile home' means a structure, transportable in one or more sections, which, in the  
1681 traveling mode, is eight body feet or more in width or 40 body feet or more in length or,  
1682 when erected on site, is 320 or more square feet and which is built on a permanent chassis  
1683 and designed to be used as a dwelling with or without a permanent foundation when  
1684 connected to the required utilities and includes the plumbing, heating, air-conditioning,  
1685 and electrical systems contained therein and manufactured prior to June 15, 1976.
- 1686 (7) 'Person' means an individual, corporation, partnership, association, or any other legal  
1687 entity but shall not include a trust or the state or any political subdivision thereof.
- 1688 (8) 'Retail broker' means any person engaged in the business of selling or offering for  
1689 sale to consumers three or more new or used manufactured or mobile homes in a 12  
1690 month period and who does not maintain a display of manufactured or mobile homes.  
1691 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase  
1692 transactions, and the term 'retail broker' does not include lending institutions.
- 1693 (9) 'Retailer' means any person engaged in the business of selling or offering for sale to  
1694 consumers three or more new or used manufactured or mobile homes in a 12 month  
1695 period and who maintains a display of manufactured or mobile homes. As used in this  
1696 paragraph, the terms 'selling' and 'sale' include lease-purchase transactions, and the term  
1697 'retailer' does not include lending institutions.

1698 8-2-132.

1699 (a) The ~~Commissioner~~ commissioner is authorized and empowered to contract or enter into  
1700 cooperative agreements with any agency, department, or instrumentality of the United  
1701 States; any agency, board, department, or commission of the state; any county,  
1702 municipality, or local government of the state, or any combination of same; any public or  
1703 private corporation or firm, or any persons whatsoever; or any public authority, agency,  
1704 commission, or institution to participate in the enforcement of manufactured home  
1705 construction and safety standards which may be promulgated pursuant to the National  
1706 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
1707 Section 5401, et seq.; provided, however, that the ~~Commissioner~~ commissioner shall notify  
1708 the United States Department of Housing and Urban Development by July 1 of his or her  
1709 intention to terminate any such contract or agreement, which termination shall become  
1710 effective on July 1 of the following year.

1711 (b) It is the policy of this state and purpose of this part to forbid the manufacture and sale  
1712 of new manufactured homes which are not constructed in accordance with the National  
1713 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
1714 Section 5401, et seq.

1715 (c) The ~~Commissioner~~ commissioner is authorized and empowered to issue and  
1716 promulgate all rules and procedures which in his or her judgment are necessary and  
1717 desirable to make effective the construction standards established by the National  
1718 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
1719 5401, et seq.

1720 8-2-133.

1721 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
1722 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, the  
1723 ~~Commissioner~~ commissioner may make, amend, alter, and repeal general rules and  
1724 regulations of procedure to carry into effect this part, to obtain statistical data concerning  
1725 manufactured homes, and to prescribe means, methods, and practices to make this part  
1726 effective. The ~~Commissioner~~ commissioner may also make such investigations and  
1727 inspections as in his or her judgment are necessary to enforce and administer this part.

1728 8-2-134.

1729 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
1730 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, no  
1731 person may manufacture, sell, or offer for sale any manufactured home unless such  
1732 manufactured home and its components, systems, and appliances have been constructed

1733 and assembled in accordance with rules issued by the ~~Commissioner~~ commissioner with  
 1734 respect to the construction, assembly, and sale of such manufactured homes and unless  
 1735 compliance with such rules is shown in the manner required by the ~~Commissioner's~~  
 1736 commissioner's rules.

1737 8-2-135.

1738 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
 1739 cooperative agreements pursuant to his or her authority under Code Section 8-2-132:

1740 (1) Every manufacturer who manufactures manufactured homes outside the State of  
 1741 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for  
 1742 and obtain a license;

1743 (2) Every manufacturer who manufactures manufactured homes in Georgia shall apply  
 1744 for and obtain a license;

1745 (3) Every retailer and retail broker who sells or offers for sale new or used manufactured  
 1746 homes or mobile homes in Georgia shall apply for and obtain a license;

1747 (4) Applications for licenses and renewal licenses shall be obtained from the  
 1748 ~~Commissioner~~ commissioner and submitted on or before January 1 of each year. All  
 1749 applicants shall certify in the application that all construction, electrical, heating, and  
 1750 plumbing standards will be complied with as set forth in this part and in the rules and  
 1751 regulations of the ~~Commissioner~~ commissioner; and

1752 (5) The license and renewal license fee shall be \$440.00 per manufacturing plant which  
 1753 manufactures manufactured homes within the State of Georgia; \$440.00 per out-of-state  
 1754 manufacturing plant which manufactures manufactured homes for the purpose of offering  
 1755 for sale, or having such homes sold, within the State of Georgia; and \$300.00 per retailer  
 1756 location and retail broker which sells, offers for sale, or transports to sell such homes  
 1757 within the State of Georgia. The license shall be valid from January 1 through  
 1758 December 31 of the year in which it was issued. The fee for delinquent renewal  
 1759 applications received after January 10 of each year shall be double the regular annual  
 1760 renewal fee.

1761 8-2-135.1.

1762 (a) During such time as the ~~Commissioner's~~ commissioner's office is acting as the primary  
 1763 inspection agency pursuant to Section 623 of the National Manufactured Housing  
 1764 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the  
 1765 regulations issued thereunder, every manufacturer who manufactures manufactured homes  
 1766 in Georgia shall pay to the ~~Commissioner~~ commissioner a manufacturing inspection fee for  
 1767 each manufactured home manufactured in Georgia, irrespective of whether the

1768 manufactured home is offered for sale in this state. This manufacturing inspection fee shall  
1769 be \$30.00 for each certification label, as defined in Section 623 of the National  
1770 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
1771 5401, et seq. For any reinspection, a \$15.00 additional fee shall be charged.

1772 (b) During such time as the ~~Commissioner's~~ commissioner's office is acting as the state  
1773 administrative agency pursuant to Section 623 of the National Manufactured Housing  
1774 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., a  
1775 monitoring inspection fee paid by each manufacturer in Georgia for each manufactured  
1776 home manufactured in this state shall be paid to the secretary of the United States  
1777 Department of Housing and Urban Development or to the secretary's agent for distribution  
1778 in accordance with the National Manufactured Housing Construction and Safety Standards  
1779 Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations promulgated thereunder.

1780 8-2-136.

1781 Each manufacturer, retailer, retail broker, and installer of manufactured homes shall  
1782 establish and maintain such records, make such reports, and provide such information as  
1783 the ~~Commissioner~~ commissioner or the secretary of the United States Department of  
1784 Housing and Urban Development may reasonably require in order to be able to determine  
1785 whether the manufacturer, retailer, retail broker, or installer has acted or is acting in  
1786 compliance with this part or with the National Manufactured Housing Construction and  
1787 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. Upon the request of a  
1788 person duly designated by the ~~Commissioner~~ commissioner or the secretary of the United  
1789 States Department of Housing and Urban Development, each manufacturer, retailer, retail  
1790 broker, and installer shall permit that person to inspect appropriate books, papers, records,  
1791 and documents relevant to determining whether the manufacturer, retailer, retail broker, or  
1792 installer has acted or is acting in compliance with this part or with the National  
1793 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section  
1794 5401, et seq.

1795 8-2-137.

1796 (a) Any hearing conducted under the provisions of this chapter or of the rules and  
1797 regulations promulgated under this part shall be in accordance with Chapter 13 of Title 50,  
1798 the 'Georgia Administrative Procedure Act.'

1799 (b) The ~~Commissioner~~ commissioner shall be authorized to determine by regulation the  
1800 manner in which he or she will conduct presentations of views as required during his or her  
1801 participation as the state administrative agency pursuant to the National Manufactured  
1802 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

1803 (c) The ~~Commissioner~~ commissioner may, through regulations, establish a dispute  
1804 resolution program in compliance with 42 U.S.C. Section 5422, the National Manufactured  
1805 Housing Construction and Safety Standards Act of 1974.

1806 8-2-138.

1807 During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
1808 cooperative agreements pursuant to his or her authority under Code Section 8-2-132,  
1809 retailers, retail brokers, and installers are expressly prohibited from altering or modifying  
1810 any manufactured home certified under this part and under the rules and regulations of the  
1811 ~~Commissioner~~ commissioner, except that alterations, changes, or modifications may be  
1812 made by retailers, retail brokers, or installers certified to make such alterations, changes,  
1813 or modifications in accordance with rules and regulations promulgated by the  
1814 ~~Commissioner~~ commissioner.

1815 8-2-139.

1816 (a) No person may interfere with, obstruct, or hinder an authorized representative of the  
1817 ~~Commissioner~~ commissioner who displays proper department credentials in the  
1818 performance of his or her duties as set forth in this part.

1819 (b) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon  
1820 showing proper credentials and in the discharge of their duties pursuant to this part, are  
1821 authorized during regular business hours and without advance notice to enter and inspect  
1822 all facilities, warehouses, or establishments in the State of Georgia in which manufactured  
1823 homes are manufactured.

1824 (c) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon  
1825 showing proper credentials and in the discharge of their duties pursuant to this part, are  
1826 authorized during regular business hours and without advance notice to enter upon and  
1827 inspect all premises in the State of Georgia in which manufactured homes are being sold.

1828 8-2-140.

1829 Any authorized representative of the ~~Commissioner~~ commissioner may, upon displaying  
1830 proper department credentials, stop and inspect any new manufactured home in transit in  
1831 order to ascertain if the manufactured home complies with this part and the rules and  
1832 regulations promulgated hereunder, provided that the manufactured home has been  
1833 manufactured in this state or has been transported into this state for the purpose of sale  
1834 within this state.

1835 8-2-141.

1836 (a) During such time as the ~~Commissioner~~ commissioner has contracted or entered into  
1837 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, any  
1838 retailer, retail broker, or manufacturer who fails to apply for or obtain a license as required  
1839 by Code Section 8-2-135 or who fails to remit the appropriate license fee as stated in Code  
1840 Section 8-2-135 shall be subject to a monetary penalty not to exceed \$100.00 for each day  
1841 that such violation persists, except that the maximum monetary penalty shall not exceed  
1842 \$20,000.00 for any one violation.

1843 (b) Any such monetary penalty may be imposed by the ~~Commissioner~~ commissioner after  
1844 notice and opportunity for hearing as provided under Chapter 13 of Title 50, the 'Georgia  
1845 Administrative Procedure Act.' The amount of such penalty may be collected by the  
1846 ~~Commissioner~~ commissioner in the same manner that money judgments are now enforced  
1847 in the superior courts of this state.

1848 (c) In addition to any such monetary penalty, the ~~Commissioner~~ commissioner may bring  
1849 a civil action to enjoin any violation of Code Section 8-2-135, and it shall not be necessary  
1850 for the ~~Commissioner~~ commissioner to allege or prove the absence of an adequate remedy  
1851 at law.

1852 8-2-142.

1853 If any state or foreign country imposes upon Georgia-domiciled manufactured home  
1854 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in  
1855 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or  
1856 restrictions, for the privilege of doing business in that state or country, which costs,  
1857 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,  
1858 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home  
1859 manufacturers (or their agents or representatives) which are domiciled in that state or  
1860 foreign country and which are doing business or are seeking to do business in the State of  
1861 Georgia, then so long as that state or foreign country continues to impose such costs,  
1862 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home  
1863 manufacturers (or their agents or representatives), the State of Georgia shall impose upon  
1864 manufactured home manufacturers (or their agents or representatives) which are domiciled  
1865 in that state or foreign country and which are doing business or are seeking to do business  
1866 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by  
1867 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or  
1868 their agents or representatives) which are doing business or seeking to do business in that  
1869 state or foreign country. Any tax, license, or other fee or other obligation imposed by any  
1870 city, county, or other political subdivision or agency of such other state or country on

1871 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)  
 1872 shall be deemed to be imposed by such state or country within the meaning of this Code  
 1873 section.

1874 8-2-143.

1875 (a) **Civil penalties.** Any person in this state who violates any provision of Section 610 of  
 1876 the National Manufactured Housing Construction and Safety Standards Act of 1974,  
 1877 42 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be  
 1878 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such  
 1879 violation. Each violation of Section 610 of the aforementioned act or of any regulation or  
 1880 order issued thereunder shall constitute a separate violation with respect to each  
 1881 manufactured home or with respect to each failure or refusal to allow or perform an act  
 1882 required thereby, except that the maximum civil penalty may not exceed \$1 million for any  
 1883 related series of violations occurring within one year from the date of the first violation.

1884 (b) **Criminal penalties.** An individual or a director, officer, or agent of a corporation who  
 1885 knowingly and willfully violates any provision of Section 610 of the National  
 1886 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
 1887 Section 5401, et seq., in a manner which threatens the health or safety of any purchaser  
 1888 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
 1889 \$1,000.00 or be imprisoned for not more than 12 months, or both.

1890 8-2-144.

1891 The ~~Commissioner of Insurance~~ commissioner shall file a report on or before December 15  
 1892 of each year accounting for all fees received by the ~~Commissioner~~ commissioner under this  
 1893 part and Part 3 of this article for the preceding 12 month period and for the actual costs of  
 1894 the inspection programs under this part and Part 3 of this article for the preceding 12 month  
 1895 period. Such report shall be provided to the chairpersons of the House Committee on  
 1896 Appropriations ~~Committee~~, the Senate Appropriations Committee, the House Committee  
 1897 on Governmental Affairs ~~Committee~~, and the Senate Regulated Industries and Utilities  
 1898 Committee, the director of the Office of Planning and Budget, the director of the Senate  
 1899 Budget and Evaluation Office, and the director of the House Budget and Research Office.

1900 8-2-145.

1901 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 1902 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 1903 administrative orders of the Safety Fire Commissioner under this part which are in effect

1904 on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall remain in  
 1905 effect until amended, repealed, superseded, or nullified by the commissioner.  
 1906 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 1907 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 1908 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 1909 Training Center shall continue in effect until the same expire by their terms unless they are  
 1910 suspended, revoked, or otherwise made ineffective as provided by law.  
 1911 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 1912 Training Center shall carry out all of the functions and obligations and exercise all of the  
 1913 powers in this part that were formerly held by the Safety Fire Commissioner."

1914 **PART V**

1915 **SECTION 5-1.**

1916 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
 1917 amended by revising Code Section 10-1-263, relating to enforcement of the "Liquefied  
 1918 Petroleum Safety Act of Georgia" by the state fire marshal, as follows:

1919 "10-1-263.

1920 The state fire marshal, ex officio, shall be designated as the officer charged with the duty  
 1921 and authority of enforcing this article, subject to the approval of the commissioner of fire  
 1922 safety."

1923 **SECTION 5-2.**

1924 Said title is further amended by revising Code Section 10-1-264, relating to assistants and  
 1925 employees of state fire marshal, as follows:

1926 "10-1-264.

1927 The state fire marshal, subject to the approval of the commissioner of fire safety, is  
 1928 authorized to appoint and employ such assistants and employees, fix their salaries, and  
 1929 assign and delegate such duties and responsibilities as he or she may deem necessary to  
 1930 carry out this article in an efficient manner."

1931 **SECTION 5-3.**

1932 Said title is further amended by revising Code Section 10-1-265, relating to rules and  
 1933 regulations setting standards for liquefied petroleum gas equipment, as follows:

1934 "10-1-265.

1935 (a) ~~The state fire marshal~~ commissioner of fire safety shall make, promulgate, adopt, and  
 1936 enforce rules and regulations setting forth minimum general standards covering the design,

1937 construction, location, installation, and operation of equipment for storing, handling,  
 1938 transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases and  
 1939 specifying the odorization of said gases and the degree thereof. Said rules and regulations  
 1940 shall be such as are reasonably necessary for the protection of the health, welfare, and  
 1941 safety of the public and persons using such materials and shall be based upon reasonable  
 1942 substantial conformity with the generally accepted standards of safety concerning the same  
 1943 subject matter.

1944 (b) Rules and regulations promulgated by the ~~state fire marshal~~ commissioner of fire safety  
 1945 based upon reasonable substantial conformity with the published standards of the National  
 1946 Board of Fire Underwriters for the design, installation, and construction of containers and  
 1947 pertinent equipment for the storage and handling of liquefied petroleum gases as  
 1948 recommended by the National Fire Protection Association shall be deemed to be in  
 1949 substantial conformity with the generally accepted standards of safety concerning the  
 1950 subject matter."

1951 **PART VI**

1952 **SECTION 6-1.**

1953 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 1954 amended by revising paragraph (2) of Code Section 16-7-80, relating to definitions regarding  
 1955 bombs, explosives, and chemical and biological weapons, as follows:

1956 "(2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety."

1957 **SECTION 6-2.**

1958 Said title is further amended by revising Code Section 16-7-90, relating to records and  
 1959 reports, as follows:

1960 "16-7-90.

1961 It shall be the duty of any person authorized by paragraph (1) or (2) of Code  
 1962 Section 16-7-93 to manufacture, possess, transport, distribute, or use a destructive device,  
 1963 detonator, explosive, or hoax device within the state:

1964 (1) To maintain such records as may be required pursuant to Title 25. Such records may  
 1965 be inspected by the ~~Commissioner~~ commissioner or the director or such officers'  
 1966 designees or any law enforcement officer or fire official during normal business hours;  
 1967 and

1968 (2) To report promptly the loss or theft of any destructive device, detonator, explosive,  
 1969 or hoax device to the Georgia Bureau of Investigation."

**SECTION 6-3.**

1970  
 1971 Said title is further amended by revising Code Section 16-7-91, relating to searches and  
 1972 inspections, as follows:

1973 "16-7-91.

1974 The ~~Commissioner~~ commissioner or director or such officers' designees or any law  
 1975 enforcement officer or fire official may obtain an inspection warrant as provided in Code  
 1976 Section 25-2-22.1 to conduct a search or inspection of:

1977 (1) Any person licensed pursuant to Title 25 to manufacture, possess, transport, sell,  
 1978 distribute, or use a destructive device or detonator within the state;

1979 (2) Any person licensed pursuant to Chapter 7 of Title 2 to manufacture, possess,  
 1980 transport, sell, or distribute or use pesticides; or

1981 (3) Any property where such pesticide, destructive device, or detonator is manufactured,  
 1982 possessed, transported, distributed, or used."

**SECTION 6-4.**

1983  
 1984 Said title is further amended by revising Code Section 16-7-93, relating to exceptions to  
 1985 applicability of provisions, as follows:

1986 "16-7-93.

1987 The provisions of Code Sections 16-7-82, 16-7-84, 16-7-85, and 16-7-86 shall not apply  
 1988 to:

1989 (1) Any person authorized to manufacture, possess, transport, distribute, or use a  
 1990 destructive device or detonator pursuant to the laws of the United States, as amended, or  
 1991 pursuant to Title 25 when such person is acting in accordance with such laws and any  
 1992 regulations issued pursuant thereto;

1993 (2) Any person licensed as a blaster by the ~~Commissioner~~ commissioner pursuant to  
 1994 Chapter 8 of Title 25, when such blaster is acting in accordance with the laws of the state  
 1995 and any regulations promulgated thereunder and any ordinances and regulations of the  
 1996 political subdivision or authority of the state where blasting operations are being  
 1997 performed;

1998 (3) Fireworks, as defined by Code Section 25-10-1, and any person authorized by the  
 1999 laws of this state and of the United States to manufacture, possess, distribute, transport,  
 2000 store, exhibit, display, or use fireworks;

2001 (4) A law enforcement, fire service, or emergency management agency of this state, any  
 2002 agency or authority of a political subdivision of this state, or the United States and any  
 2003 employee or authorized agent thereof while in performance of official duties and any law  
 2004 enforcement officer, fire official, or emergency management official of the United States  
 2005 or any other state while attending training in this state;

- 2006 (5) The armed forces of the United States or of this state;
- 2007 (6) Research or educational programs conducted by or on behalf of a college, university,
- 2008 or secondary school which have been authorized by the chief executive officer of such
- 2009 educational institution or his or her designee and which is conducted in accordance with
- 2010 the laws of the United States and of this state;
- 2011 (7) The use of explosive materials in medicines and medicinal agents in forms prescribed
- 2012 by the most recent published edition of the official United States Pharmacopoeia or the
- 2013 National Formulary;
- 2014 (8) Small arms ammunition and reloading components thereof;
- 2015 (9) Commercially manufactured black powder in quantities not to exceed 50 pounds,
- 2016 percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and
- 2017 friction primers intended to be used solely for sporting, recreational, or cultural purposes
- 2018 in antique firearms or antique devices; or
- 2019 (10) An explosive which is lawfully possessed in accordance with the rules adopted
- 2020 pursuant to Code Section 16-7-94."

2021 **PART VII**

2022 **SECTION 7-1.**

2023 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is

2024 amended by revising Code Section 25-8-2, relating to definitions regarding the regulation of

2025 blasting operations generally, as follows:

2026 "25-8-2.

2027 As used in this chapter, the term:

2028 (1) 'Blaster' means a person qualified by reason of training, knowledge, or experience to

2029 fire or detonate explosives in blasting operations and who has in his or her possession a

2030 valid blaster's license issued by the ~~Commissioner~~ commissioner.

2031 (2) 'Blasting operation' means the use of explosives in the blasting of stone, rock, ore, or

2032 any other natural formation or in any construction or demolition work but shall not

2033 include the use of explosives in agricultural operations and private and personal use of

2034 explosives in remote areas for such operations as ditching, land clearing, destruction of

2035 beaver dams and other such operations when not in close proximity to adjacent property.

2036 This chapter shall not apply to any blasting operation in which the charge weight is 200

2037 pounds or less.

2038 (3) 'Charge weight' means the total weight in pounds of an explosive charge.

2039 (4) 'Charge weight per delay' means the weight in pounds of an explosive charge which

2040 is detonated per delay period for delay intervals of eight milliseconds or greater or the

2041 total weight of explosives in pounds which is detonated within an interval less than eight  
2042 milliseconds.

2043 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

2044 (6) 'Delay initiation' means the detonation of the subcharge of explosives in  
2045 predetermined sequence which is accomplished by using regular or short period delay  
2046 electric blasting caps or other means of equivalent effectiveness.

2047 (7) 'Delay period' means the time interval in milliseconds (eight milliseconds or greater)  
2048 between successive detonations of subchargers produced by the delay devices used.

2049 (8) 'Distance' means the actual distance in feet along ground contour to the nearest house,  
2050 public building, school, church, or commercial or institutional building normally  
2051 occupied.

2052 (9) 'Explosives' means any chemical compound or other substance or mechanical system  
2053 intended for the purpose of producing an explosion or containing oxidizing and  
2054 combustible units or other ingredients in such proportions or quantities that ignition by  
2055 fire, by friction, by concussion, by percussion, or by detonator may produce an explosion  
2056 capable of causing injury to persons or damage to property.

2057 (10) 'Particle velocity' means the velocity with which an earth particle moves when  
2058 vibrating or oscillating in any manner from its position of rest or elastic equilibrium.

2059 (11) 'Person' means any individual, public or private corporation, political subdivision,  
2060 government agency, municipality, industry, partnership, association, firm, trust, estate,  
2061 or other entity whatsoever.

2062 (12) 'Scaled distance' or 'Ds' means the actual distance (D) in feet divided by the square  
2063 root of the maximum charge weight (W) in pounds that is detonated per delay period.

2064 This means:

$$2065 \quad D_s = \frac{D}{\sqrt{W}}$$

$$2068 \quad \text{Scaled distance} = \frac{\text{Actual distance}}{\sqrt{\text{charge weight per delay interval}}}$$

## 2071 SECTION 7-2.

2072 Said title is further amended by revising Code Section 25-8-3, relating to requirements  
2073 governing use of explosives in blasting generally, as follows:

2074 "25-8-3.

2075 (a) The use of explosives for the purpose of blasting in the neighborhood of any public  
2076 highway, railroad, airport, dwelling house, public building, school, church, commercial or

2077 institutional building, or pipeline shall be done in accordance with this chapter and the rules  
2078 and regulations promulgated by the ~~Commissioner~~ commissioner.

2079 (b) In all blasting operations, except as otherwise provided in this chapter, the maximum  
2080 particle velocity of any component of ground motion recorded on a three-component  
2081 seismograph (where the components — transverse, vertical, and longitudinal — are  
2082 arranged mutually perpendicular) shall not exceed two inches per second at the location of  
2083 any dwelling house, public building, school, church, or commercial or institutional building  
2084 normally occupied.

2085 (c) Blasting operations without instrumentation will be considered as being within the  
2086 limits set forth in this Code section if such blasting operations are conducted in accordance  
2087 with subsection (d) of this Code section.

2088 (d) Any blasting operation may be conducted without reference to any maximum amount  
2089 or period provided by this Code section if the person in charge of the blasting operation  
2090 demonstrates by instrumentation that maximum particle velocity of any component of the  
2091 ground motion does not exceed the limits provided in subsection (b) of this Code section.

2092 (e) Instrumentation for determining particle velocity of ground motion, as set forth in this  
2093 chapter, shall be limited to devices that conform with design criteria for portable  
2094 seismographs as found in the United States Bureau of Mines, RI-6487 and United States  
2095 Bureau of Mines Bulletin 656. The instrument should have calibration traceable to the  
2096 United States Bureau of Standards. The ~~Commissioner~~ commissioner or his or her duly  
2097 authorized agent may enter upon premises for the purpose of observing any necessary  
2098 instrumentation provided by this chapter.

2099 (f) When blasting operations, other than those conducted at a fixed site as a part of any  
2100 industry or business operated at the site, are to be conducted within close proximity to a  
2101 known pipeline, the blaster or person in charge of the blasting operations shall take  
2102 reasonable precautionary measures for the protection of the line and shall notify the owner  
2103 of the line or his or her agent that the blastings are intended.

2104 (g) Blasting operations shall not be conducted within close proximity to any public  
2105 highway unless reasonable precautionary measures are taken to safeguard the public.

2106 (h) When blasting operations are conducted at the immediate location of any dwelling  
2107 house, public building, school, church, or commercial or institutional building which would  
2108 result in ground vibrations having a particle velocity exceeding the limits provided by this  
2109 chapter, such blasting operations may proceed after the receipt of written consent from the  
2110 property owner or owners affected."

**SECTION 7-3.**

2111  
 2112 Said title is further amended by revising Code Section 25-8-7, relating to refusal, suspension,  
 2113 or revocation of license, as follows:

2114 "25-8-7.

2115 Issuance of a license for the use of explosives may be refused or such a license which has  
 2116 been duly issued may be suspended or revoked or the renewal thereof refused by the  
 2117 ~~Commissioner~~ commissioner if the ~~Commissioner~~ commissioner finds that the applicant  
 2118 for or the holder of the license:

2119 (1) Has violated any provision of this chapter or of any other law of this state or any  
 2120 regulation duly promulgated by the ~~Commissioner~~ commissioner;

2121 (2) Has intentionally misrepresented or concealed any material fact in the application for  
 2122 the license or any document filed in support thereof;

2123 (3) Has permitted any person in his or her employ, either by direct instruction or by  
 2124 reasonable implication, to violate this chapter;

2125 (4) Has been convicted of a felony by final judgment in any state or federal court;

2126 (5) Has failed to comply with or has violated any proper order, rule, or regulation issued  
 2127 by the ~~Commissioner~~ commissioner; or

2128 (6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a  
 2129 blaster."

**SECTION 7-4.**

2130  
 2131 Said title is further amended by revising Code Section 25-8-9, relating to promulgation of  
 2132 rules and regulations by Commissioner and forms, as follows:

2133 "25-8-9.

2134 The ~~Commissioner~~ commissioner may promulgate such rules and regulations, neither  
 2135 inconsistent nor contradictory with this chapter, as he or she deems necessary to effectuate  
 2136 this chapter. The ~~Commissioner~~ commissioner may also prescribe the forms required for  
 2137 the administration of this chapter."

**SECTION 7-5.**

2138  
 2139 Said title is further amended by revising Code Section 25-8-10, relating to approval by  
 2140 Commissioner of variations from requirements of chapter, as follows:

2141 "25-8-10.

2142 The ~~Commissioner~~ commissioner may approve variations from the requirements of this  
 2143 chapter when he or she finds that an emergency exists and that the proposed variations  
 2144 from the specific requirements are necessary, will not hinder the effective administration  
 2145 of this chapter, and will not be contrary to any other applicable law, either state or federal."

2146 **SECTION 7-6.**

2147 Said title is further amended by revising Code Section 25-8-11, relating to powers of  
2148 Commissioner for enforcement of chapter, rules, and regulations generally and privileged  
2149 nature of evidence submitted to Commissioner, as follows:

2150 "25-8-11.

2151 (a) Whenever it appears to the ~~Commissioner~~ commissioner, either upon investigation or  
2152 otherwise, that any person has engaged in, is engaging in, or is about to engage in any act,  
2153 practice, or transaction which is prohibited by this chapter or by any rule, regulation, or  
2154 order of the ~~Commissioner~~ commissioner promulgated or issued pursuant to this chapter  
2155 or which is declared to be unlawful under this chapter, the ~~Commissioner~~ commissioner,  
2156 in his or her discretion and if he or she deems it to be appropriate in the public interest or  
2157 for the protection of the citizens of this state, may issue an order prohibiting the person  
2158 from continuing the act, practice, or transaction.

2159 (b) Other powers granted to the ~~Commissioner~~ commissioner for the enforcement of this  
2160 chapter include, but are not limited to, the following:

2161 (1) The ~~Commissioner~~ commissioner may institute actions or other legal proceedings in  
2162 any superior court of proper venue. Thereupon, the superior court, among other  
2163 appropriate relief, may issue injunctions restraining persons and those acting in active  
2164 concert with them from engaging in acts prohibited by the ~~Commissioner~~ commissioner  
2165 in the enforcement of this chapter;

2166 (2) In addition to any other penalties provided in this chapter, the ~~Commissioner~~  
2167 commissioner shall have authority to place a licensee on probation for a period of time  
2168 not to exceed one year or to impose a monetary fine of up to \$1,000.00, or to do both, for  
2169 each and every violation of this chapter or of the rules and regulations or orders of the  
2170 ~~Commissioner~~ commissioner promulgated pursuant thereto; and

2171 (3) The ~~Commissioner~~ commissioner or his or her designee shall have investigatorial  
2172 powers and shall be empowered to subpoena witnesses and to examine them under oath.

2173 (c) All testimony, documents, and other evidence required to be submitted to the  
2174 ~~Commissioner~~ commissioner pursuant to this chapter shall be privileged."

2175 **SECTION 7-7.**

2176 Said title is further amended by revising Code Section 25-8-12, relating to penalties for  
2177 violations of chapter, rules, regulations, or orders, and by adding a new Code section to read  
2178 as follows:

2179 "25-8-12.

2180 Any person who violates this chapter or any rule, regulation, or order promulgated by the  
2181 ~~Commissioner~~ commissioner pursuant to this chapter shall be guilty of a misdemeanor and,

2182 upon conviction thereof, shall be punished by a fine of not less than \$500.00 and not more  
2183 than \$1,000.00.

2184 25-8-13.

2185 (a) The Georgia Public Safety Training Center shall succeed to all rules, regulations,  
2186 policies, procedures, and pending and finalized administrative orders of the Safety Fire  
2187 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,  
2188 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,  
2189 superseded, or nullified by the commissioner.

2190 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
2191 authorizations previously issued by the Safety Fire Commissioner with respect to any  
2192 function transferred to the Georgia Public Safety Training Center shall continue in effect  
2193 until the same expire by their terms unless they are suspended, revoked, or otherwise made  
2194 ineffective as provided by law.

2195 (c) Effective July 1, 2019, the Georgia Public Safety Training Center shall carry out all of  
2196 the functions and obligations and exercise all of the powers formerly held by the Safety  
2197 Fire Commissioner under this chapter."

2198 **PART VIII**

2199 **SECTION 8-1.**

2200 Said title is further amended by revising Chapter 10, relating to regulation of fireworks, as  
2201 follows:

2202 "CHAPTER 10

2203 25-10-1.

2204 (a) As used in this chapter, the term:

2205 (1) 'Commissioner' means the commissioner of fire safety.

2206 ~~(1)~~(2) 'Consumer fireworks' means any small fireworks devices containing restricted  
2207 amounts of pyrotechnic composition, designed primarily to produce visible or audible  
2208 effects by combustion, that comply with the construction, chemical composition, and  
2209 labeling regulations of the United States Consumer Product Safety Commission as  
2210 provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the  
2211 United States Department of Transportation as provided for in Part 172 of Title 49 of the  
2212 Code of Federal Regulations, and the American Pyrotechnics Association as provided for

2213 in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall  
 2214 mean Roman candles.

2215 ~~(2)~~(3) 'Consumer fireworks retail sales facility' shall have the same meaning as provided  
 2216 for by NFPA 1124; provided, however, that such term shall not include a tent, canopy,  
 2217 or membrane structure.

2218 ~~(3)~~(4) 'Consumer fireworks retail sales stand' shall have the same meaning as provided  
 2219 for by NFPA 1124.

2220 ~~(4)~~(5) 'Distributor' means any person, firm, corporation, association, or partnership which  
 2221 sells consumer fireworks.

2222 ~~(4.1)~~(6) 'Electric plant' shall have the same meaning as provided for in Code Section  
 2223 46-3A-1.

2224 ~~(5)~~(7) 'Fireworks' means any combustible or explosive composition or any substance or  
 2225 combination of substances or article prepared for the purpose of producing a visible or  
 2226 audible effect by combustion, explosion, deflagration, or detonation, including blank  
 2227 cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles  
 2228 and explosives of like construction, as well as articles containing any explosive or  
 2229 flammable compound and tablets and other devices containing an explosive substance.

2230 ~~(6)~~(8) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code*  
 2231 *for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and*  
 2232 *Pyrotechnic Articles*, 2006 Edition.

2233 ~~(7)~~(9) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3)  
 2234 of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title  
 2235 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or  
 2236 private elementary or secondary school in this state.

2237 ~~(8)~~(10) 'Proximate audience' means an audience closer to pyrotechnic devices than  
 2238 permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks*  
 2239 *Display*, as adopted by the ~~Safety Fire Commissioner~~ commissioner.

2240 ~~(9)~~(11) 'Pyrotechnics' means fireworks.

2241 ~~(10)~~(12) 'Store' shall have the same meaning as provided for by NFPA 1124; provided,  
 2242 however, that such term shall only include such buildings with at least 4,000 square feet  
 2243 of retail display space and wherefrom:

2244 (A) No more than 25 percent of such retail display space is used for consumer  
 2245 fireworks and items or products as provided for under paragraph (2) of subsection (b)  
 2246 of this Code section; and

2247 (B) Other items or products which are not consumer fireworks or items or products as  
 2248 provided for under paragraph (2) of subsection (b) of this Code section are sold;

2249 and provided, further, that such term means a person, firm, corporation, association, or  
 2250 partnership with more than one mercantile location, where all such mercantile locations  
 2251 are collectively known to the public by the same name or share central management.

2252 ~~(11)~~(13) 'Waste-water treatment plant' shall have the same meaning as provided for in  
 2253 Code Section 43-51-2.

2254 ~~(12)~~(14) 'Water treatment plant' shall have the same meaning as provided for in Code  
 2255 Section 43-51-2.

2256 (b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

2257 (1) Model rockets and model rocket engines designed, sold, and used for the purpose of  
 2258 propelling recoverable aero models, toy pistol paper caps in which the explosive content  
 2259 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy  
 2260 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term  
 2261 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for  
 2262 sporting and hunting purposes; and

2263 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling  
 2264 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical  
 2265 compound per tube or a total of 500 grams or less for multiple tubes; snake and glow  
 2266 worms; smoke devices; or trick noise makers which include paper streamers, party  
 2267 poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less  
 2268 of explosive mixture.

2269 25-10-2.

2270 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to  
 2271 offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess,  
 2272 manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise  
 2273 provided in this chapter.

2274 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful  
 2275 for any person, firm, corporation, association, or partnership to sell consumer fireworks  
 2276 or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any  
 2277 person under 18 years of age.

2278 (2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2)  
 2279 of subsection (b) of Code Section 25-10-1 to any person by any means other than an  
 2280 in-person, face-to-face sale. Such person shall provide proper identification to the seller  
 2281 at the time of such purchase. For purposes of this paragraph, the term 'proper  
 2282 identification' means any document issued by a governmental agency containing a  
 2283 description of the person or such person's photograph, or both, and giving such person's  
 2284 date of birth and includes without being limited to a passport, military identification card,

2285 driver's license, or identification card authorized under Code Sections 40-5-100 through  
2286 40-5-104.

2287 (3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined  
2288 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors or within the right  
2289 of way of a public road, street, highway, or railroad of this state.

2290 (B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject to  
2291 paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for any  
2292 person, firm, corporation, association, or partnership to use or ignite or cause to be  
2293 ignited any consumer fireworks:

2294 (i) On any day beginning at the time of 10:00 A.M. and up to and including the  
2295 ending time of 9:00 P.M.;

2296 (ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59  
2297 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county  
2298 or municipal corporation of the location in which such use or ignition occurs, except  
2299 as otherwise provided for under this subparagraph; provided, however, that a county  
2300 or municipal corporation may additionally require the issuance of a special use permit  
2301 pursuant to subparagraph (D) of this paragraph for use or ignition;

2302 (iii) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00  
2303 P.M. and up to and including the time of 11:59 P.M.; and

2304 (iv) On January 1 of each year beginning at the time of 12:00 Midnight and up to and  
2305 including the ending time of 1:00 A.M.

2306 (C) Subject to subparagraph (D) of this paragraph, paragraph (4) of this subsection, and  
2307 Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association,  
2308 or partnership to use or ignite or cause to be ignited any consumer fireworks anywhere  
2309 in this state except:

2310 (i) As provided for under subparagraph (A) of this paragraph;

2311 (ii) In any location where such person, firm, corporation, association, or partnership  
2312 is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause  
2313 to be ignited any consumer fireworks;

2314 (iii) Within 100 yards of an electric plant; water treatment plant; waste-water  
2315 treatment plant; a facility engaged in the retail sale of gasoline or other flammable or  
2316 combustible liquids or gases where the volume stored is in excess of 500 gallons for  
2317 the purpose of retail sale; a facility engaged in the production, refining, processing,  
2318 or blending of any flammable or combustible liquids or gases for retail purposes; any  
2319 public or private electric substation; or a jail or prison;

2320 (iv) Within 100 yards of the boundaries of any public use air facility provided for  
 2321 under Title 6 or any public use landing area or platform marked and designed for  
 2322 landing use by helicopters;

2323 (v) Within any park, historic site, recreational area, or other property which is owned  
 2324 by or operated by, for, or under the custody and control of a governing authority of  
 2325 a county or municipal corporation, except pursuant to a special use permit as provided  
 2326 for in subparagraph (D) of this paragraph;

2327 (vi) Within any park, historic site, recreational area, or other property which is owned  
 2328 by or operated by, for, or under the custody and control of the State of Georgia,  
 2329 except pursuant to any rules and regulations of the agency or department having  
 2330 control of such property which may allow for such use or ignition of consumer  
 2331 fireworks;

2332 (vii) Within 100 yards of a hospital, nursing home, or other health care facility  
 2333 regulated under Chapter 7 of Title 31; provided, however, that an owner or operator  
 2334 of such facility may use or ignite or cause to be ignited consumer fireworks on the  
 2335 property of such facility or may grant written permission to any person, firm,  
 2336 corporation, association, or partnership to use or ignite or cause to be ignited  
 2337 consumer fireworks on the property of such facility; or

2338 (viii) While under the influence of alcohol or any drug or any combination of alcohol  
 2339 and any drug to the extent that it is less safe or unlawful for such person to ignite  
 2340 consumer fireworks as provided for in Code Section 25-10-2.1.

2341 (D) Any person, firm, corporation, association, or partnership may use or ignite or  
 2342 cause to be ignited any consumer fireworks as provided for under divisions (3)(B)(ii)  
 2343 and (3)(C)(v) of this subsection if such person, firm, corporation, association, or  
 2344 partnership is issued a special use permit pursuant to the law of a governing authority  
 2345 of a county or municipal corporation for the use or ignition of consumer fireworks in  
 2346 a location within such county or municipality as provided for under divisions (3)(B)(ii)  
 2347 and (3)(C)(v) of this subsection, provided that such special use permit is required for  
 2348 such use or ignition. Such special use permit shall designate the time or times and  
 2349 location that such person, firm, corporation, association, or partnership may use or  
 2350 ignite or cause to be ignited such consumer fireworks. A fee assessed by a county or  
 2351 municipal corporation for the issuance of a special use permit pursuant to this  
 2352 subparagraph shall not exceed \$100.00. No governing authority or official of a county,  
 2353 municipality, or other political subdivision shall bear liability for any decisions made  
 2354 pursuant to this Code section.

2355 (E) Whenever the Governor issues a declaration of drought, the Governor may, for the  
 2356 boundaries of the area covered by such declaration, enact further regulations and

2357 restrictions concerning the use of consumer fireworks than provided for under this  
 2358 chapter; provided, however, that no such further regulations or restrictions on the use  
 2359 of consumer fireworks shall be effective pursuant to this subparagraph on January 1,  
 2360 July 3, July 4, or December 31 of any year; provided, further, that such further  
 2361 regulations or restrictions shall only apply to the exact boundaries of the area covered  
 2362 by such declaration and shall only apply with regard to the ignition of consumer  
 2363 fireworks; and provided, further, that upon expiration or conclusion of such declaration,  
 2364 such further regulations or restrictions shall be rescinded by law.

2365 (4)(A) It shall be lawful for any person 18 years of age or older to use or ignite or  
 2366 cause to be ignited or to possess, manufacture, transport, or store consumer fireworks.

2367 (B) To the extent otherwise permitted by law, it shall be lawful for any person who is  
 2368 16 or 17 years of age to possess or transport consumer fireworks, provided that such  
 2369 person is serving as an assistant to a distributor licensed under subsection (c) of Code  
 2370 Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application  
 2371 pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such  
 2372 consumer fireworks on a highway which constitutes a part of The Dwight D.  
 2373 Eisenhower System of Interstate and Defense Highways.

2374 (5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for  
 2375 sale at retail or wholesale any consumer fireworks pursuant to the requirements of this  
 2376 chapter.

2377 (B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for  
 2378 sale at retail or wholesale any consumer fireworks, provided that such person is serving  
 2379 as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1  
 2380 or the nonprofit group benefiting from such distributor's application pursuant to  
 2381 subsection (c) of Code Section 25-10-5.1.

2382 (6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer  
 2383 fireworks retail sales facility or store only if such permanent consumer fireworks retail  
 2384 sales facility or store is:

2385 (i) In compliance with the requirements for such a permanent consumer fireworks  
 2386 retail sales facility or store in the selling of consumer fireworks as provided for in  
 2387 NFPA 1124; and

2388 (ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b)  
 2389 or (d) of Code Section 25-10-5.1.

2390 (B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks  
 2391 retail sales stand only if such temporary consumer fireworks retail sales stand is:

2392 (i) In compliance with the requirements for such a temporary consumer fireworks  
 2393 retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

2394 (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political  
 2395 subdivision or a fire department connection of a building affiliated with such  
 2396 consumer fireworks retail sales stand, unless the chief administrative officer of the  
 2397 fire department of a county, municipality, or other political subdivision or chartered  
 2398 fire department legally organized to operate in this state pursuant to Chapter 3 of this  
 2399 title and having operational authority over such location of the temporary consumer  
 2400 fireworks retail sales stand provides in writing that such temporary consumer  
 2401 fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant  
 2402 or fire department connection; and

2403 (iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c)  
 2404 of Code Section 25-10-5.1.

2405 A distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 may operate  
 2406 no more than two temporary consumer fireworks retail sales stands in this state per  
 2407 location licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1; provided,  
 2408 however, that such distributor has been operating and open to the public pursuant to  
 2409 subsection (b) or (d) of Code Section 25-10-5.1 no less than 30 days prior to July 4 or  
 2410 December 31 in the year of an application for a license under subsection (c) of Code  
 2411 Section 25-10-5.1 that is filed within 30 days of July 4 or December 31.

2412 (C) It shall be unlawful to sell consumer fireworks from any motor vehicle, from a  
 2413 trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure.

2414 25-10-2.1.

2415 (a) It shall be unlawful for any person to ignite consumer fireworks or fireworks while:

2416 (1) Under the influence of alcohol or any drug or any combination of alcohol and any  
 2417 drug to the extent that it is unsafe for such person to ignite consumer fireworks or  
 2418 fireworks; or

2419 (2) Subject to the provisions of subsection (b) of this Code section, there is any amount  
 2420 of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in  
 2421 such person's blood or urine, or both, including the metabolites and derivatives of each  
 2422 or both, without regard to whether or not any alcohol is present in such person's breath  
 2423 or blood.

2424 (b) The fact that any person charged with violating this Code section is or has been legally  
 2425 entitled to use a drug shall not constitute a defense against any charge of violating this  
 2426 Code section; provided, however, that such person shall not be in violation of this Code  
 2427 section unless such person is rendered incapable of igniting consumer fireworks or  
 2428 fireworks safely as a result of using a drug other than alcohol which such person is legally  
 2429 entitled to use.

2430 (c) Any person convicted of violating subsection (a) of this Code section shall be guilty  
2431 of a misdemeanor.

2432 25-10-3.

2433 Nothing in this chapter shall be construed to prohibit the following:

2434 (1) The wholesale or retail sale of fireworks for use in a public exhibition or public  
2435 display and the transportation of fireworks for such use, provided that any person selling  
2436 at wholesale or retail or transporting fireworks for such use must have a duplicate copy  
2437 of the permit which has been issued by the judge of the probate court to a person, firm,  
2438 corporation, association, or partnership which has been authorized to hold a public  
2439 exhibition or display, and provided, further, that the seller maintains and makes available  
2440 for inspection by the ~~Safety Fire Commissioner~~ commissioner or the designee thereof the  
2441 record of any such fireworks sale for a period of 18 months from the date of sale;

2442 (2) Use by railroads or other transportation agencies of fireworks specifically designed  
2443 and intended for signal purposes or illumination;

2444 (3) The sale or use of blank cartridges for a show or theater or for signal or ceremonial  
2445 purposes in athletic or sports events or for use by military or police organizations; or

2446 (4) The manufacture of any fireworks not prohibited by Congress or any federal agency;  
2447 the possession, transportation, and storage of any such fireworks by any manufacturer  
2448 thereof; the storage of certain such fireworks by a nonmanufacturer in accordance with  
2449 the provisions of Code Section 25-10-3.1; the possession, transportation, or distribution  
2450 of any such fireworks to a distributor located outside this state; the sale of such fireworks  
2451 by any such manufacturer to a distributor located outside this state; or the possession and  
2452 transportation of such fireworks by any manufacturer or contractor or common carrier  
2453 from the point of manufacture within this state to any point outside this state.

2454 25-10-3.1.

2455 (a) Fireworks defined as Class B explosives or the equivalent thereof by regulations of the  
2456 United States Department of Transportation set forth in Part 173 of Title 49 of the Code of  
2457 Federal Regulations and which are to be used only for purposes of a public exhibition or  
2458 display pursuant to Code Section 25-10-4 may be stored by a person, firm, or corporation,  
2459 other than a manufacturer, pursuant to a magazine license issued by the ~~Safety Fire~~  
2460 ~~Commissioner~~ commissioner in accordance with the provisions of this Code section. Any  
2461 application for such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner  
2462 in a form to be prescribed by the ~~Commissioner~~ commissioner. The application shall  
2463 include a letter of acknowledgment and endorsement from the local authority having  
2464 responsibility for fire suppression.

2465 (b) Any application for a magazine license made pursuant to subsection (a) of this Code  
2466 section shall be accompanied by plans for the magazine proposed to be used for storage of  
2467 Class B explosives or the equivalent thereof, in such detail and in such number of copies  
2468 as required by the ~~Safety Fire Commissioner~~ commissioner. Construction of a magazine  
2469 for storage of fireworks pursuant to this Code section shall not commence until the plans  
2470 therefor have been approved by the state fire marshal and returned to the applicant.

2471 (c) No license shall be issued pursuant to this Code section unless:

2472 (1) The applicant currently holds a valid license or permit to receive explosive materials  
2473 including Class B explosives or the equivalent thereof issued pursuant to regulations of  
2474 the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the  
2475 Treasury;

2476 (2) The applicant presents a copy of a valid permit for a public exhibition or display of  
2477 fireworks issued pursuant to Code Section 25-10-4;

2478 (3) The state fire marshal or the designee thereof has determined upon inspection that the  
2479 constructed magazine meets or exceeds the requirements for magazines to be used for  
2480 storing Class B explosives or the equivalent thereof as established by regulations and  
2481 adopted codes and standards of the ~~Safety Fire Commissioner~~ commissioner; and

2482 (4) The state fire marshal or the designee thereof has determined upon inspection that the  
2483 constructed magazine meets or exceeds any additional requirements applicable to  
2484 magazines to be used for storage of Class B explosives or the equivalent thereof by  
2485 nonmanufacturers as may be established by regulation promulgated pursuant to Code  
2486 Section 25-10-5.

2487 (d) Any license issued pursuant to this Code section shall be subject to the annual license  
2488 fee and expiration date provisions of Code Section 25-10-5. The initial annual fee for a  
2489 magazine license shall be submitted along with the application for such license.

2490 (e) Any fireworks stored under any magazine license issued pursuant to this Code section  
2491 shall be stored in an approved magazine and in accordance with the regulations for storing  
2492 Class B explosives or the equivalent thereof as established by regulations of the ~~Safety Fire~~  
2493 ~~Commissioner~~ commissioner and any additional requirements for storage of such  
2494 explosives by nonmanufacturers as may be established by regulation promulgated pursuant  
2495 to Code Section 25-10-5, for a period of time not to exceed 60 days before and 60 days  
2496 after the permitted date of a public exhibition or display of fireworks pursuant to Code  
2497 Section 25-10-4.

2498 (f) Any violation of the provisions of this Code section shall be grounds for revoking a  
2499 magazine license.

2500 25-10-3.2.

2501 (a) No person, firm, corporation, association, or partnership shall cause the combustion,  
 2502 explosion, deflagration, detonation, or ignition of pyrotechnics for the purpose of a public  
 2503 exhibition or display before a proximate audience unless such person, firm, corporation,  
 2504 association, or partnership holds a valid license issued by the ~~Safety Fire Commissioner~~  
 2505 commissioner in accordance with the provisions of this Code section. Any application for  
 2506 such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner in the form  
 2507 prescribed by the ~~Safety Fire Commissioner~~ commissioner.

2508 (b) All applicants must meet the following requirements for licensure:

2509 (1) The applicant shall submit to the ~~Safety Fire Commissioner~~ commissioner proof of  
 2510 a valid comprehensive liability insurance policy purchased from an insurer authorized to  
 2511 do business in Georgia. The coverage must include bodily injury and property damage,  
 2512 products liability, completed operations, and contractual liability. The proof of insurance  
 2513 must also be provided before any license can be renewed. The minimum amount of said  
 2514 coverage shall be \$1 million or such other amount as specified by the ~~Safety Fire~~  
 2515 ~~Commissioner~~ commissioner. An insurer that provided such coverage shall notify the  
 2516 ~~Safety Fire Commissioner~~ commissioner of any change in coverage;

2517 (2) The applicant shall pay the required licensing fee as prescribed in Code Section  
 2518 25-10-5; and

2519 (3) The applicant shall comply with all rules and regulations promulgated by the ~~Safety~~  
 2520 ~~Fire Commissioner~~ commissioner pursuant to this chapter.

2521 (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to  
 2522 conduct pyrotechnic displays.

2523 25-10-4.

2524 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public  
 2525 exhibition or display of fireworks not before a proximate audience shall first obtain a  
 2526 permit from the judge of the probate court of the county in which the public exhibition or  
 2527 display is to be held. Application for a permit must be made in writing and filed with the  
 2528 judge not less than ten days prior to the date of the proposed public exhibition or display  
 2529 of fireworks. Fireworks distributors located outside this state shall obtain display permit  
 2530 application forms and provide the same to applicants upon request. The judge may grant  
 2531 a permit for the display on the following conditions:

2532 (1) That the display be conducted by a competent operator approved by the judge;

2533 (2) That the display shall be of such character as in the opinion of the judge will not be  
 2534 hazardous to persons or property;

2535 (3) That the local fire official responsible for the area in question certifies in writing that  
2536 the site for the display meets his or her approval and is in compliance with all applicable  
2537 codes; and

2538 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,  
2539 payable to the county in which the display is being held and conditioned for the payment  
2540 of damages which may be caused either to persons or to property by reason of the display  
2541 or, alternatively, that the application be accompanied by evidence that the applicant  
2542 carries proper liability insurance for bodily injury in the amount of not less than  
2543 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage  
2544 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,  
2545 with an insurance company duly licensed by the Commissioner of Insurance.

2546 (b) Any person, firm, corporation, association, or partnership desiring to conduct a public  
2547 exhibition or display of fireworks before a proximate audience shall first obtain a permit  
2548 from the judge of the probate court of the county in which the public exhibition or display  
2549 is to be held. Application for a permit must be made in writing and filed with the judge not  
2550 less than ten days prior to the date of the proposed public exhibition or display of  
2551 fireworks. Such application must contain the license number issued by the ~~Safety Fire~~  
2552 ~~Commissioner~~ commissioner for the person, firm, corporation, association, or partnership  
2553 that will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the  
2554 public exhibition or display. Fireworks distributors located outside this state shall obtain  
2555 display permit application forms and provide the same to applicants upon request. The  
2556 judge may grant a permit for the display on the following conditions:

2557 (1) That the display be conducted by a competent operator approved by the judge;

2558 (2) That the display shall be of such character as in the opinion of the judge will not be  
2559 hazardous to persons or property;

2560 (3) That the local fire official responsible for the area in question certifies in writing that  
2561 the site for the display meets his or her approval and is in compliance with all applicable  
2562 codes; and

2563 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,  
2564 payable to the county in which the display is being held and conditioned for the payment  
2565 of damages that may be caused either to persons or to property by reason of the display  
2566 or, alternatively, that the application be accompanied by evidence that the applicant  
2567 carries property liability insurance for bodily injury in the amount of not less than  
2568 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage  
2569 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,  
2570 with an insurance company duly licensed by the Commissioner of Insurance.

2571 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be  
2572 granted unless the applicant has met all the requirements of and is in full compliance with  
2573 the rules and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner  
2574 pursuant to this chapter.

2575 (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited  
2576 to the time specified therein, such time not to exceed a two-week period. The permit shall  
2577 not be transferable. In the event any fireworks bought and possessed under this Code  
2578 section are not used by the licensee or in the event that there is a surplus or excess after the  
2579 two-week period expires, it shall be the duty of the licensee to return such fireworks to a  
2580 facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations  
2581 promulgated by the ~~Safety Fire Commissioner~~ commissioner. Fireworks stored in  
2582 accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband  
2583 and shall not be subject to seizure.

2584 (e) The judge of the probate court shall receive \$10.00 for his or her services in granting  
2585 or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.  
2586 The judge of the probate court shall provide the ~~Safety Fire Commissioner~~ commissioner  
2587 a copy of each permit granted prior to the proposed date of the public exhibition or display.

2588 25-10-4.1.

2589 No person under the age of 18 shall be employed to work at any magazine, or at any  
2590 facility containing a magazine, wherein fireworks are stored or to work in any public  
2591 exhibition or display of fireworks.

2592 25-10-5.

2593 The annual license fee for any person, firm, or corporation conducting business in this state  
2594 under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code  
2595 Section 25-10-3.1 or conducting pyrotechnic displays under Code Section 25-10-3.2 shall  
2596 be \$1,500.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner. The license  
2597 shall expire on December 31 of each year. The ~~Safety Fire Commissioner~~ commissioner  
2598 is authorized and directed to promulgate safety regulations relating to the manufacture,  
2599 storage, and transportation of fireworks within this state in order to ensure the adequate  
2600 protection of the employees of any such person, firm, or corporation and of the general  
2601 public. The ~~Safety Fire Commissioner~~ commissioner is also authorized and directed to  
2602 promulgate safety regulations relating to the public exhibition or display of pyrotechnics  
2603 and the licensing requirements of those conducting such public exhibitions or displays, as  
2604 he or she deems necessary. The ~~Safety Fire Commissioner~~ commissioner is further  
2605 authorized and directed to conduct periodic inspections of the facilities of any person, firm,

2606 or corporation manufacturing, storing, and transporting fireworks as provided in paragraph  
2607 (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order to ensure  
2608 compliance with fire safety rules and regulations.

2609 25-10-5.1.

2610 (a)(1) A license pursuant to this Code section shall only be issued to a distributor that:

2611 (A) Complies with all the requirements of this chapter; and

2612 (B) Maintains at all times public liability and product liability insurance with minimum  
2613 coverage limits of \$2 million to cover the losses, damages, or injuries that might ensue  
2614 to persons or property as a result of selling consumer fireworks.

2615 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent  
2616 statement of representation in an application executed pursuant to this Code section shall  
2617 be guilty of a violation of Code Section 16-10-20.

2618 (3) Applications to the ~~Safety Fire Commissioner~~ commissioner pursuant to this Code  
2619 section shall be upon forms prescribed and promulgated by the ~~Safety Fire Commissioner~~  
2620 commissioner.

2621 (4) Any person, firm, corporation, association, or partnership seeking a license pursuant  
2622 to subsection (b) or (d) of this Code section shall have property from which the applicant  
2623 intends to sell consumer fireworks under such person's, firm's, corporation's,  
2624 association's, or partnership's ownership or legal control through a lease, rental  
2625 agreement, licensing agreement, or other contractual instrument at the time of filing the  
2626 application for such license, and such property shall be in a condition ready for  
2627 inspection.

2628 (b)(1) The initial license fee for a distributor selling consumer fireworks from a  
2629 permanent consumer fireworks retail sales facility shall be \$1,500.00 per location,  
2630 payable to the ~~Safety Fire Commissioner~~ commissioner; provided, however, that the  
2631 initial license fee shall be \$5,000.00 for a distributor that is not licensed pursuant to this  
2632 subsection prior to July 1, 2016. Upon finding that a distributor has met the requirements  
2633 of subsection (a) of this Code section and upon payment of such license fee, such initial  
2634 license shall be issued by the ~~Safety Fire Commissioner~~ commissioner and shall identify  
2635 the permanent consumer fireworks retail sales facility applicable to such license. Such  
2636 initial license shall expire on January 31 of the year after such initial license was issued  
2637 or as otherwise provided for under this subsection. After such initial license, such  
2638 distributor may annually renew such initial license, which shall then become an annual  
2639 license, for \$1,000.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner.  
2640 Upon finding that a distributor has met the requirements of subsection (a) of this Code  
2641 section and upon payment of such license fee, such annual license shall be issued by the

2642 ~~Safety Fire Commissioner~~ commissioner and shall identify the permanent consumer  
2643 fireworks retail sales facility applicable to such license. Such annual license shall expire  
2644 on January 31 of each year or as otherwise provided for under this subsection; provided,  
2645 however, that a distributor shall apply for an annual license or renewal of an annual  
2646 license by December 1 in the year preceding the expiration date of such initial or annual  
2647 license; and provided, further, that if an initial license is issued to a distributor on or after  
2648 December 1, then such distributor shall apply for an annual license by the first business  
2649 day of the next year.

2650 (2) The determination by the ~~Safety Fire Commissioner~~ commissioner of whether a  
2651 distributor has met requirements for the issuance of a license required by this subsection  
2652 shall be made within 30 days of the submission of an application for any initial or annual  
2653 license; provided, however, that if a license will expire prior to the expiration of such 30  
2654 days and no such determination has been made by the ~~Safety Fire Commissioner~~  
2655 commissioner, then the expiration date for such license shall be extended until the date  
2656 of such determination by the ~~Safety Fire Commissioner~~ commissioner but for no more  
2657 than 30 days. If a determination has not been made within the time provided for by this  
2658 paragraph, or for an appeal of a determination by the ~~Safety Fire Commissioner~~  
2659 commissioner, a distributor may seek review from the judge of the probate court of the  
2660 county of the location or proposed location of the permanent consumer fireworks retail  
2661 sales facility. Such judge may provide for the issuance or nonissuance of a license and  
2662 for the payment of license fees in such manner as is consistent with the provisions of this  
2663 subsection.

2664 (c)(1) The license fee for a distributor selling consumer fireworks from a temporary  
2665 consumer fireworks retail sales stand shall be \$500.00 per location, payable to the  
2666 governing authority of the county, municipality, or other political subdivision of this state  
2667 in whose boundaries such temporary consumer fireworks retail sales stand shall be  
2668 located or is proposed to be located. Upon finding that a distributor has met the  
2669 requirements of subsection (a) of this Code section, has a license pursuant to subsection  
2670 (b) or (d) of this Code section, has no more than the allowable temporary consumer  
2671 fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of Code Section 25-10-2,  
2672 that the sales of consumer fireworks from such temporary consumer fireworks retail sales  
2673 stand shall accrue to the benefit of a nonprofit group, and upon payment of such license  
2674 fee, such license shall be issued by the fire department of the county, municipality, or  
2675 other political subdivision or the chartered fire department legally organized to operate  
2676 in this state pursuant to Chapter 3 of this title and having operational authority of the area  
2677 in which such temporary consumer fireworks retail sales stand shall be located or is  
2678 proposed to be located. Such license shall identify the temporary consumer fireworks

2679 retail sales stand applicable to such license and shall expire on the next January 31 after  
2680 the issuance of such license.

2681 (2) A determination by a fire department as provided for under paragraph (1) of this  
2682 subsection of whether a distributor has met requirements for the issuance of a license  
2683 pursuant to this subsection shall be made within 30 days of the submission of an  
2684 application for any such license. Such application shall be in writing and, if such fire  
2685 department provides for a written form for the application for a license pursuant to this  
2686 Code section, upon such form as may be provided by such fire department. If a  
2687 determination has not been made within the time provided for by this paragraph, or for  
2688 an appeal of a determination by such fire department, a distributor may seek review from  
2689 the judge of the probate court of the county of the location or proposed location of the  
2690 temporary consumer fireworks retail sales stand. Such judge may provide for the  
2691 issuance or nonissuance of a license and for the payment of license fees in such manner  
2692 as is consistent with the provisions of this subsection.

2693 (3) For at least one of the temporary consumer fireworks retail sales stands provided for  
2694 under subparagraph (b)(6)(B) of Code Section 25-10-2, a nonprofit group benefiting from  
2695 the sale of consumer fireworks from such temporary consumer fireworks retail sales stand  
2696 shall directly participate in operating such temporary consumer fireworks retail sales  
2697 stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative  
2698 of a nonprofit group to knowingly lend the name of the nonprofit group or allow the  
2699 identity of the nonprofit group to be used for the license under this subsection if such  
2700 nonprofit group is not directly participating in operating, or benefiting from the operation  
2701 of, such temporary consumer fireworks retail sales stand.

2702 (4) The governing authority of a county, municipality, or other political subdivision  
2703 receiving fees pursuant to this Code section shall expend such fees for public safety  
2704 purposes.

2705 (5) A distributor licensed pursuant to this subsection shall submit a list of the names and  
2706 addresses, including the counties, of each temporary consumer fireworks retail sales stand  
2707 at which such distributor has consumer fireworks offered for sale pursuant to this Code  
2708 section to the ~~Safety Fire Commissioner~~ commissioner. Such list shall be submitted not  
2709 less than 30 days prior to first having a temporary consumer fireworks retail sales stand  
2710 at which such distributor has consumer fireworks offered for sale and not less than 30  
2711 days prior to having such distributor's consumer fireworks offered for sale at a location  
2712 not previously included on such list. The ~~Safety Fire Commissioner~~ commissioner shall  
2713 make such list publicly available for inspection. In making determinations as provided  
2714 for under this subsection, fire departments shall reference the list provided for by this  
2715 paragraph.

2716 (6) A revocation or suspension of a license provided for under subsection (b) or (d) of  
 2717 this Code section shall operate as a revocation or suspension of a distributor's license  
 2718 under this subsection for the term of such revocation or suspension.

2719 (d)(1) The initial license fee for a distributor selling consumer fireworks from a store  
 2720 shall be \$1,500.00 in addition to \$250.00 per store location, payable to the ~~Safety Fire~~  
 2721 ~~Commissioner~~ commissioner. Upon finding that a distributor has met the requirements  
 2722 of subsection (a) of this Code section, such initial license shall be issued by the ~~Safety~~  
 2723 ~~Fire Commissioner~~ commissioner; provided, however, that such distributor has been  
 2724 operating and open to the public no less than 30 days prior to July 4 or December 31 in  
 2725 the year of an application for an initial license that is filed within 30 days of July 4 or  
 2726 December 31; and provided, further, that a distributor holding an initial license may add  
 2727 additional store locations to such license prior to the expiration of such license upon  
 2728 payment of \$250.00 per added store location. Such initial license shall expire on  
 2729 January 31 of the year after such initial license was issued or as otherwise provided for  
 2730 under this subsection. After such initial license, such distributor may annually renew  
 2731 such initial license, which shall then become an annual license, for \$1,000.00 in addition  
 2732 to \$100.00 per store location, payable to the ~~Safety Fire Commissioner~~ commissioner;  
 2733 provided, however, that a distributor holding an annual license may add additional store  
 2734 locations to such license prior to the expiration of such license upon payment of \$250.00  
 2735 per added store location. Upon finding that a distributor has met the requirements of  
 2736 subsection (a) of this Code section, such annual license shall be issued by the ~~Safety Fire~~  
 2737 ~~Commissioner~~ commissioner. Such annual license shall expire on January 31 of each  
 2738 year or as otherwise provided for under this subsection; provided, however, that a  
 2739 distributor shall apply for an annual license or renewal of an annual license by December  
 2740 1 in the year preceding the expiration date of such initial or annual license; and provided,  
 2741 further, that if an initial license is issued to a distributor on or after December 1, then such  
 2742 distributor shall apply for an annual license by the first business day of the next year.

2743 (2) An application submitted under this subsection shall identify each store location to  
 2744 which an initial or annual license is applicable; there shall not be a requirement for a  
 2745 separate application for each of the several store locations. The determination by the  
 2746 ~~Safety Fire Commissioner~~ commissioner of whether a distributor has met requirements  
 2747 for the issuance of a license required by this subsection shall be made within 30 days of  
 2748 the submission of an application for any initial or annual license; provided, however, that  
 2749 if a license will expire prior to the expiration of such 30 days and no such determination  
 2750 has been made by the ~~Safety Fire Commissioner~~ commissioner, then the expiration date  
 2751 for such license shall be extended until the date of such determination by the ~~Safety Fire~~  
 2752 ~~Commissioner~~ commissioner but for no more than 30 days. If a determination has not

2753 been made within the time provided for by this paragraph, or for an appeal of a  
 2754 determination by the ~~Safety Fire Commissioner~~ commissioner, a distributor may seek  
 2755 review from the judge of the probate court of the county of the location or proposed  
 2756 location of the store from which consumer fireworks will be sold. Such judge may  
 2757 provide for the issuance or nonissuance of a license and for the payment of license fees  
 2758 in such manner as is consistent with the provisions of this subsection.

2759 25-10-6.

2760 (a) The state fire marshal shall enforce the provisions of this chapter; provided, however,  
 2761 that, in addition, any law enforcement officer or agency of this state or political subdivision  
 2762 thereof may enforce provisions relating to using or igniting or causing to be ignited  
 2763 consumer fireworks. Applicable fire departments of a county, municipality, or other  
 2764 political subdivision or a chartered fire department shall refer cases for enforcement under  
 2765 subsection (c) of Code Section 25-10-5.1 to the state fire marshal. All fireworks or  
 2766 consumer fireworks manufactured, offered for sale, exposed for sale, or stored in violation  
 2767 of this chapter are declared to be contraband and may be seized, taken, and removed, or  
 2768 caused to be removed and destroyed or disposed of at the expense of the owner thereof by  
 2769 the state fire marshal, the Georgia State Patrol, or any sheriff or local police official.

2770 (b) Any property declared as contraband pursuant to this Code section shall be forfeited  
 2771 in accordance with the procedures set forth in Chapter 16 of Title 9.

2772 25-10-7.

2773 This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over  
 2774 which the ~~Safety Fire Commissioner~~ commissioner has regulatory control.

2775 25-10-8.

2776 (a) Any person, firm, corporation, association, or partnership that violates Code  
 2777 Section 25-10-3.2 shall be guilty of a felony and shall be punished by imprisonment for not  
 2778 less than two nor more than ten years, or by a fine of not more than \$10,000.00, or both.

2779 (b) Any person, firm, corporation, association, or partnership that violates any other  
 2780 provision of this chapter shall be guilty of a misdemeanor.

2781 25-10-9.

2782 Notwithstanding any provision of this chapter to the contrary, the ~~Safety Fire~~  
 2783 ~~Commissioner~~ commissioner shall have the authority to subject any person, firm,  
 2784 corporation, association, or partnership that knowingly violates this chapter to a monetary  
 2785 penalty of up to \$2,500.00 for each and every act in violation of this chapter; provided,

2786 however, that the ~~Safety Fire Commissioner~~ commissioner shall have the authority to  
2787 subject any person, firm, corporation, association, or partnership that knowingly sells  
2788 consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of  
2789 up to \$5,000.00 and, if any such person, firm, corporation, association, or partnership is a  
2790 distributor, then a license revocation for not more than two years. Each sales transaction  
2791 in violation of this chapter shall be a separate offense.

2792 25-10-10.

2793 It shall be unlawful for any person, firm, corporation, association, or partnership to release  
2794 or cause to be released any balloon, bag, parachute, or other similar device which requires  
2795 fire underneath for propulsion or to release or cause to be released any floating water  
2796 lantern or wish lantern which uses a flame to create a lighting effect in any public  
2797 waterway, lake, pond, stream, or river.

2798 25-10-11.

2799 (a) Whenever the ~~Safety Fire Commissioner~~ commissioner shall have reason to believe  
2800 that any person is or has been violating any provisions of this chapter, the ~~Safety Fire~~  
2801 ~~Commissioner~~ commissioner, his or her deputy, his or her assistant, or other designated  
2802 persons may issue and deliver to the person an order to cease and desist such violation. An  
2803 order issued under this Code section shall be delivered in accordance with the provisions  
2804 of subsection (c) of this Code section.

2805 (b) Violation of any provision of this chapter or failure to comply with a cease and desist  
2806 order is cause for revocation of any or all licenses issued by the ~~Safety Fire Commissioner~~  
2807 commissioner for a period of not less than six months and not to exceed five years. If a  
2808 new license has been issued to the person so charged, the order of revocation shall operate  
2809 effectively with respect to such new license held by such person. In the case of an  
2810 applicant for a license, violation of any provision of this title or regulations promulgated  
2811 thereunder may constitute grounds for refusal of the application. Decisions under this  
2812 subsection may be appealed as provided by law.

2813 (c) Any order issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter  
2814 shall contain or be accompanied by a notice of opportunity for hearing which shall provide  
2815 that a hearing will be held if and only if a person subject to the order requests a hearing in  
2816 writing within ten days of receipt of the order and notice. The order and notice shall be  
2817 served by delivery by the ~~Safety Fire Commissioner~~ commissioner or his or her agent or  
2818 by registered or certified mail or statutory overnight delivery, return receipt requested. Any  
2819 person who fails to comply with any order under this subsection is guilty of a misdemeanor  
2820 and may be punished by law.

2821 (d) In addition to other powers granted to the ~~Safety Fire Commissioner~~ commissioner  
 2822 under this chapter, the ~~Safety Fire Commissioner~~ commissioner may bring a civil action  
 2823 to enjoin a violation of any provision of this chapter or of any rule, regulation, or order  
 2824 issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter.

2825 25-10-12.

2826 (a) In addition to the grounds set forth in Code Section 25-10-11, it is cause for revocation  
 2827 or suspension, refusal, or nonrenewal by the ~~Safety Fire Commissioner~~ commissioner of  
 2828 any license issued under this chapter if it is determined that the licensee or applicant has:

2829 (1) Failed to comply with all the requirements of this chapter or the rules and regulations  
 2830 promulgated pursuant thereto;

2831 (2) Failed to maintain the minimum insurance coverage as set forth in this chapter;

2832 (3) Made a material misstatement or misrepresentation or committed a fraud in obtaining  
 2833 or attempting to obtain a license; or

2834 (4) Failed to notify the ~~Safety Fire Commissioner~~ commissioner, in writing, within 30  
 2835 days after a change of residence, principal business address, or name.

2836 (b) In addition to other grounds set forth in this Code section, the ~~Safety Fire~~  
 2837 ~~Commissioner~~ commissioner shall not issue a new license under this chapter if the ~~Safety~~  
 2838 ~~Fire Commissioner~~ commissioner finds that the circumstance or circumstances for which  
 2839 the license was previously suspended or revoked still exist or are likely to recur.

2840 25-10-13.

2841 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 2842 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 2843 administrative orders of the Safety Fire Commissioner under this chapter which are in  
 2844 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 2845 remain in effect until amended, repealed, superseded, or nullified by the commissioner.

2846 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 2847 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 2848 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 2849 Training Center shall continue in effect until the same expire by their terms unless they are  
 2850 suspended, revoked, or otherwise made ineffective as provided by law.

2851 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 2852 Training Center shall carry out all of the functions and obligations and exercise all of the  
 2853 powers formerly held by the Safety Fire Commissioner under this chapter."

2854

**PART IX**

2855

**SECTION 9-1.**

2856 Said title is further amended by revising Chapter 11, relating to fire protection sprinkler  
2857 contractors, as follows:

2858

**"CHAPTER 11**

2859 25-11-1.

2860 This chapter shall be known and may be cited as the 'Georgia Fire Sprinkler Act.'

2861 25-11-2.

2862 As used in this chapter, the term:

2863 (1) 'Certificate' or 'certificate of competency' means the document issued by the  
2864 ~~Commissioner~~ commissioner to a certificate holder who has demonstrated adequate  
2865 technical knowledge and ability to design in accordance with recognized standards as  
2866 adopted by the ~~Commissioner~~ commissioner and to perform and supervise the  
2867 installation, repair, alteration, addition, maintenance, or inspection of water-based fire  
2868 protection systems.

2869 (2) 'Certificate holder' means an individual who has been issued a certificate of  
2870 competency by the ~~Commissioner~~ commissioner.

2871 (3) 'Commissioner' means the ~~Georgia Safety Fire Commissioner~~ commissioner of fire  
2872 safety.

2873 (4) 'Fire protection sprinkler contractor' means an individual, partnership, corporation,  
2874 association, or joint venture that supervises, performs, or supervises and performs the  
2875 installation, repair, alteration, addition, maintenance, or inspection of water-based fire  
2876 protection systems. Such term does not include local building officials, fire inspectors,  
2877 or insurance inspectors when acting in their official capacities.

2878 (5) 'Fire protection sprinkler contractor license' means the document issued by the  
2879 ~~Commissioner~~ commissioner to the fire protection sprinkler contractor which authorizes  
2880 the fire protection sprinkler contractor to engage in the business of fabrication,  
2881 installation, repair, alteration, maintenance, or inspection of water-based fire protection  
2882 systems.

2883 (6) 'Fire protection sprinkler system' means an integrated system of overhead and  
2884 underground piping designed in accordance with fire protection engineering standards.  
2885 The installation includes one or more automatic water supplies. The portion of the system  
2886 aboveground is a network of specially sized or hydraulically designed piping installed in

2887 a building, structure, or area, generally overhead, to which sprinklers are attached in a  
2888 systematic pattern. The valve controlling each system riser is located in the system riser  
2889 or its supply piping. The system is usually activated by heat from a fire and discharges  
2890 water over the fire area.

2891 (7) 'Fire protection system designer' means a person who develops documents pertaining  
2892 to water-based fire protection systems.

2893 (8) 'Fire protection system designer license' means a document issued by the  
2894 ~~Commissioner~~ commissioner which authorizes the fire protection system designer to  
2895 engage in the business of producing construction shop drawings pertaining to water-based  
2896 fire protection systems.

2897 (9) 'Fire protection system inspector' means an individual who performs inspections only  
2898 on water-based fire protection systems in accordance with applicable codes and standards  
2899 as adopted by the ~~Commissioner~~ commissioner. Such term does not apply to state, local,  
2900 and insurance inspectors while acting in their official capacities.

2901 (10) 'Fire protection system inspector's license' means a document issued by the  
2902 ~~Commissioner~~ commissioner which authorizes the fire protection system inspector to  
2903 engage in the business of inspecting water-based fire protection systems.

2904 (11) 'Fire pump' means a pump supplying water at the flow and pressure required by  
2905 water-based fire protection systems.

2906 (12) 'Foam-water spray system' means a special system pipe connected to a source of  
2907 foam concentrate and to a water supply and equipped with foam-water spray nozzles for  
2908 fire protection agent discharge (foam and water sequentially in that order or in reverse  
2909 order) and distribution over the area to be protected. System operation arrangements  
2910 parallel those for foam-water sprinkler systems.

2911 (13) 'Foam-water sprinkler system' means a special system pipe connected to a source  
2912 of foam concentrates and to a water supply and equipped with appropriate discharge  
2913 devices for fire protection agent discharge and distribution over the area to be protected.  
2914 The piping system is connected to the water supply through a control valve that is usually  
2915 actuated by operation of automatic detection equipment installed in the same area as the  
2916 sprinklers. When this valve opens, water flows into the piping system, and foam  
2917 concentrate is injected into the water. The resulting foam solution discharging through  
2918 the discharge devices generates and distributes foam. Upon exhaustion of the foam  
2919 concentrate supply, water discharge will follow the foam and continue until manually  
2920 shut off. Existing deluge sprinkler systems that have been converted to the use of  
2921 aqueous film forming foam are classified as foam-water sprinkler systems.

2922 (14) 'Inspection' means a visual examination of a water-based fire protection system or  
2923 portion thereof to verify that it appears to be in operating condition and is free of physical  
2924 damage.

2925 (15) 'Maintenance' means work performed to keep equipment operable or to make repairs  
2926 without altering the operation of the water-based system.

2927 (16) 'Private fire service main' means that pipe and its appurtenances on private property  
2928 that are:

2929 (A) Between a source of water and the base of the system riser for water-based fire  
2930 protection systems;

2931 (B) Between a source of water and inlets to foam-making systems;

2932 (C) Between a source of water and the base elbow of private hydrants or monitor  
2933 nozzles;

2934 (D) Used as fire pump suction and discharge piping outside of a building; and

2935 (E) Beginning at the inlet side of the check valve on a gravity or pressure tank.

2936 (17) 'Private water tank' means a tank supplying water for water-based fire protection  
2937 systems which is located on private property.

2938 (18) 'Standpipe system' means an arrangement of piping, valves, hose connections, and  
2939 allied equipment installed in a building or structure with the hose connections located in  
2940 such a manner that water can be discharged in streams or spray patterns through attached  
2941 hoses and nozzles for the purpose of extinguishing a fire, thus protecting a building or  
2942 structure, its contents, and its occupants. This is accomplished by connection to water  
2943 supply systems or by pumps, tanks, and other equipment necessary to provide an  
2944 adequate supply of water-to-hose connections.

2945 (19) 'Testing' means a procedure to determine the status of a system as intended by  
2946 conducting periodic physical checks on water-based fire protection systems such as  
2947 waterflow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction  
2948 valves. These tests follow up on the original acceptance test at intervals specified in the  
2949 appropriate standards related to such systems.

2950 (20) 'Water-based fire protection system' means any one system or any combination of  
2951 a number of systems designed to deliver water to an apparatus designed to extinguish or  
2952 retard the advancement of fire. Such systems include fire protection sprinkler systems,  
2953 standpipe systems, private fire service mains, fire pumps, private water tanks, water spray  
2954 fixed systems, foam-water spray systems, and foam-water sprinkler systems. The term  
2955 'fire sprinkler system' is used interchangeably with this term.

2956 (21) 'Water-spray fixed system' means a special fixed pipe system connected to a reliable  
2957 fire protection water supply and equipped with water-spray nozzles for specific water  
2958 discharge and distribution over the surface or area to be protected. The piping system is

2959 connected to the water supply through an automatically or manually activated valve that  
 2960 initiates the flow of water. An automatic valve is actuated by operation of automatic  
 2961 detection equipment installed in the same area as the water-spray nozzles.

2962 25-11-3.

2963 (a) The ~~Commissioner~~ commissioner is charged with the duty and responsibility for the  
 2964 enforcement of this chapter.

2965 (b) Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any  
 2966 provision of this chapter may be exercised, discharged, or performed by any deputy,  
 2967 assistant, or other designated employee acting in the ~~Commissioner's~~ commissioner's name  
 2968 and by his or her delegated authority.

2969 (c) The ~~Commissioner~~ commissioner may, at his or her discretion, have the competency  
 2970 and license test prepared by others.

2971 (d) The ~~Commissioner~~ commissioner is authorized to enter into a reciprocal agreement  
 2972 with the state fire commissioner, ~~or state fire marshal, or such other fire safety official~~ of  
 2973 other states for the waiver of the competency test of any applicant resident in such other  
 2974 jurisdiction, provided that:

2975 (1) The laws of the other jurisdiction are substantially similar to this chapter; and

2976 (2) The applicant has no place of business within this state nor is an officer, director,  
 2977 stockholder, or partner in any corporation or partnership doing business in this  
 2978 jurisdiction as a fire protection sprinkler contractor.

2979 25-11-4.

2980 (a) Any individual desiring to become a certificate holder shall submit to the  
 2981 ~~Commissioner~~ commissioner a completed application on forms prescribed by the  
 2982 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a  
 2983 nonrefundable certificate fee of \$150.00 plus a one-time filing fee of \$75.00. Such fee  
 2984 shall not be prorated for portions of a year.

2985 (b) Prior to obtaining a certificate, the applicant shall demonstrate his or her competence  
 2986 and knowledge of water-based fire protection systems by:

2987 (1) Successfully completing a competency test by means prescribed by rules and  
 2988 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; or

2989 (2) Submitting to the ~~Commissioner~~ commissioner a certification from either the state  
 2990 fire commissioner or state fire marshal of another jurisdiction whenever a reciprocal  
 2991 agreement has been entered into between the two jurisdictions pursuant to the provisions  
 2992 of this chapter.

2993 (c)(1) If the applicant has paid the required fees and has met one of the requirements of  
 2994 subsection (b) of this Code section, the ~~Commissioner~~ commissioner shall issue a  
 2995 certificate of competency in the name of the applicant, unless such applicant has been  
 2996 cited under other provisions of this chapter. Such certificate shall expire annually as  
 2997 determined by the rules and regulations and shall be nontransferable.

2998 (2) In no case shall a certificate holder be allowed to obtain a certificate of competency  
 2999 for more than one fire protection sprinkler contractor or more than one office location at  
 3000 a time. If the certificate holder should leave the employment of a fire protection sprinkler  
 3001 contractor or change office locations, he or she must notify the ~~Commissioner~~  
 3002 commissioner in writing within 30 days.

3003 (d) A certificate holder desiring to renew his or her certificate shall submit a renewal  
 3004 application to the ~~Commissioner~~ commissioner and remit therewith a renewal fee of  
 3005 \$100.00 on or before the date determined by the rules and regulations of each year. If the  
 3006 state minimum fire safety standards regarding the installation or maintenance of fire  
 3007 protection sprinkler systems or water-spray systems promulgated by the ~~Commissioner~~  
 3008 commissioner have been revised since the date the certificate holder's expiring certificate  
 3009 was issued, the ~~Commissioner~~ commissioner may, upon 30 days' notice, require the  
 3010 certificate holder to again meet one of the requirements of subsection (b) of this Code  
 3011 section prior to the renewal of his or her certificate.

3012 25-11-5.

3013 (a) Where a fire protection sprinkler contractor has multiple office locations for the  
 3014 purpose of design, installation, repair, alteration, addition, maintenance, or inspection of  
 3015 water-based fire protection systems, each location shall be licensed under the provisions  
 3016 of this chapter.

3017 (b) Any organization or individual desiring to become a fire protection sprinkler contractor  
 3018 shall submit to the ~~Commissioner~~ commissioner a completed application on forms  
 3019 prescribed by him or her. Such organization or individual shall remit with his or her  
 3020 application a nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00.  
 3021 Such fee shall not be prorated for portions of a year.

3022 (c) Prior to obtaining a sprinkler contractor's license, the applicant shall:

3023 (1) Submit to the ~~Commissioner~~ commissioner a copy of any and all certificate of  
 3024 competency holders' certificates employed by the applicant; and

3025 (2) Submit to the ~~Commissioner~~ commissioner proof of comprehensive liability  
 3026 insurance coverage. The liability insurance policy shall provide coverage in an amount  
 3027 not less than \$1 million and shall cover any loss to property or personal injury caused by

3028 the fire protection sprinkler contractor. The policy must be purchased from an insurer  
3029 authorized to do business in Georgia.

3030 (d) A fire protection sprinkler contractor license shall expire annually as determined by the  
3031 rules and regulations. A license holder desiring to renew his or her license shall submit a  
3032 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00  
3033 on or before the date determined by the rules and regulations of each year.

3034 25-11-6.

3035 (a) Any individual desiring to become a fire protection sprinkler system inspector shall  
3036 submit to the ~~Commissioner~~ commissioner a completed application on the prescribed  
3037 forms. Such individual shall remit with his or her application a nonrefundable license fee  
3038 of \$100.00 plus a one-time filing fee of \$75.00. Such fees shall not be prorated for portions  
3039 of a year.

3040 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and  
3041 employment by a sprinkler contractor by:

3042 (1) Successfully completing a competency test by means prescribed by rules and  
3043 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; and

3044 (2) Submitting to the ~~Commissioner~~ commissioner proof of employment by a sprinkler  
3045 contractor who has comprehensive liability insurance coverage. The liability insurance  
3046 policy shall provide coverage in an amount not less than \$1 million and shall cover any  
3047 loss to property or personal injury caused by the fire protection sprinkler inspector. The  
3048 policy must be purchased from an insurer authorized to do business in Georgia.

3049 (c) A fire protection sprinkler system inspector license shall expire annually as determined  
3050 by the rules and regulations. A license holder desiring to renew his or her license shall  
3051 submit a renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee  
3052 of \$75.00 on or before the date determined by the rules and regulations of each year.

3053 25-11-7.

3054 (a) Any individual desiring to become a fire protection system designer shall submit to the  
3055 ~~Commissioner~~ commissioner a completed application on forms prescribed by the  
3056 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a  
3057 nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00. Such fee shall  
3058 not be prorated for portions of a year.

3059 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and  
3060 knowledge of water-based fire protection systems by means prescribed by rules and  
3061 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner or as set forth  
3062 in Chapter 15 of Title 43.

3063 (c) A fire protection system designer license shall expire annually as determined by the  
3064 rules and regulations. A license holder desiring to renew his or her license shall submit a  
3065 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00  
3066 on or before the date determined by the rules and regulations of each year.

3067 25-11-8.

3068 (a) No person shall act as a fire protection sprinkler contractor unless a certificate holder  
3069 is employed full time, in office or on site or combination thereof, to supervise or perform  
3070 the installation, repair, alteration, addition, maintenance, or inspection of water-based fire  
3071 protection systems.

3072 (b) If the only certificate holder employed by a fire protection sprinkler contractor leaves  
3073 the employment of the fire protection contractor, the contractor shall notify the  
3074 ~~Commissioner~~ commissioner in writing within 30 days. A new certificate holder must be  
3075 employed by a fire protection sprinkler contractor within 30 days of such notice.

3076 (c) No fire protection sprinkler contractor shall permit any person under his or her  
3077 employment or control to install, repair, alter, maintain, or inspect any water-based fire  
3078 protection system unless such person is a certificate holder or is under the direct  
3079 supervision of a certificate holder employed by the contractor.

3080 (d) Only fire protection sprinkler contractors or certificate of competency holders shall  
3081 alter or renovate water-based fire protection systems except as otherwise provided by this  
3082 chapter.

3083 (e) Individuals employed by the building owner or a representative of the building owner  
3084 may repair leaks, replace broken fittings, or perform other routine maintenance that does  
3085 not alter the piping arrangement or operation of a water-based fire protection system.

3086 (f) Installations shall conform to codes as adopted by the ~~Commissioner~~ commissioner  
3087 unless otherwise permitted by this chapter or the rules and regulations promulgated  
3088 pursuant to this chapter.

3089 (g) It shall be unlawful for any person to begin installation of a fire sprinkler system on  
3090 any proposed or existing building or structure which comes under the classification in  
3091 paragraph (1) of subsection (b) of Code Section 25-2-13 or which comes under the  
3092 jurisdiction of the ~~office of the Commissioner of Insurance~~ Division of Fire Safety within  
3093 the Georgia Public Safety Training Center pursuant to Code Section 25-2-12 without first  
3094 having drawings of the designed system approved by the appropriate authority having  
3095 jurisdiction unless otherwise provided by the rules and regulations promulgated pursuant  
3096 to this chapter.

3097 25-11-9.

3098 (a) Water-based fire protection shop drawings shall be reviewed for code compliance with  
3099 the state minimum standards by a certificate of competency holder.

3100 (b) The reviewing certificate holder's signature, printed name, and certificate number  
3101 indicating such compliance shall be indicated on submitted plans.

3102 (c) Noncode compliance dictated by bid documents shall be reported by means prescribed  
3103 by the rules and regulations promulgated pursuant to this chapter.

3104 25-11-10.

3105 (a) Only licensed fire protection system designers or other designers under their direct  
3106 supervision shall prepare water-based fire protection system documents for construction.

3107 (b) All documents shall be representative of code complying water-based fire protection  
3108 systems unless otherwise permitted by the rules and regulations promulgated pursuant to  
3109 this chapter.

3110 (c) The licensed fire protection system designer's signature, printed name, and license  
3111 number shall be indicated on the shop drawings.

3112 25-11-11.

3113 (a) Inspections, maintenance, and testing required by this chapter shall only be performed  
3114 by licensed fire protection system inspectors, certificate of competency holders, or  
3115 representatives of the building owner. Representatives of the building owner shall indicate  
3116 in writing to the authority having jurisdiction their intent to do such inspections and  
3117 provide to the authority having jurisdiction proof of knowledge and expertise pertaining  
3118 to the systems inspected as specified in the rules and regulations adopted pursuant to this  
3119 chapter. Said representatives of the building owner are exempt from the license  
3120 requirements specified in Code Section 25-11-6.

3121 (b) Duly authorized manufacturers' representatives while acting in their official capacities  
3122 are exempt from this chapter.

3123 (c) Inspections and maintenance of water-based fire protection systems owned by a firm,  
3124 business, or corporation and installed on property under control of the firm, business, or  
3125 corporation may be performed by an employee of the firm, business, or corporation,  
3126 provided that annual inspection and maintenance of the water-based system are performed  
3127 by a current certificate of competency holder or inspector as defined in this chapter. Said  
3128 employees are exempt from the license requirements specified in Code Section 25-11-6.

3129 25-11-12.

3130 The ~~Commissioner~~ commissioner may promulgate such rules and regulations as he or she  
3131 deems necessary to carry out the provisions of this chapter. The ~~Commissioner~~  
3132 commissioner may also prescribe the forms required for the administration of this chapter.

3133 25-11-13.

3134 (a) The installation or repair of any underground facilities or piping which connects to and  
3135 furnishes water for the water-based fire protection system shall be performed only by a  
3136 licensed utility contractor, fire protection sprinkler contractor, or licensed plumber in  
3137 accordance with the minimum fire safety standards adopted by the ~~Commissioner~~  
3138 commissioner. The installing contractor shall be responsible for the installation of proper  
3139 underground facilities and piping which provide an adequate flow of water from the fire  
3140 protection water supply to the water-based fire protection system.

3141 (b) Evidence of inspection shall be given to the owner or his or her representative in the  
3142 form of a letter indicating the inspector or certificate of competency holder and the license  
3143 number or certificate number.

3144 (c) Before any local building official shall issue any license or building permit which  
3145 authorizes the construction of any building or structure containing a water-based fire  
3146 protection system, such local official shall require a copy of a valid fire protection sprinkler  
3147 contractor license from the fire protection sprinkler contractor. The fire protection  
3148 sprinkler contractor shall be required to pay any fees normally imposed for local licenses  
3149 or permits, but the local official shall impose no requirements on the fire protection  
3150 sprinkler contractor to prove competency other than proper evidence of a valid certificate  
3151 of competency, as issued by the ~~Commissioner~~ commissioner.

3152 (d) Nothing in this chapter limits the power of a municipality, county, or the state to  
3153 require the submission and approval of plans and specifications or to regulate the quality  
3154 and character of work performed by contractors through a system of permits, fees, and  
3155 inspections otherwise authorized by law for the protection of the public health and safety.

3156 25-11-14.

3157 This chapter shall also apply to any fire protection sprinkler contractor performing work  
3158 for the state or any municipality, county, or other political subdivision. Officials of the  
3159 state or any municipality, county, or other political subdivision are required to determine  
3160 compliance with this chapter before awarding any contracts for the installation, repair,  
3161 alteration, addition, maintenance, or inspection of a water-based fire protection system.  
3162 Bids tendered for such contracts shall be accompanied by a copy of a valid certificate of  
3163 competency.

3164 25-11-15.

3165 (a) All fees collected pursuant to the provisions of this chapter shall be deposited with the  
3166 Fiscal Division of the Department of Administrative Services.

3167 (b) The ~~Commissioner~~ commissioner shall be authorized to receive grants for the  
3168 administration of this chapter from parties interested in upgrading and improving the  
3169 quality of water-based fire protection systems, education of the public pertaining to  
3170 water-based fire protection systems, or the upgrading of fire protection, in general, in  
3171 Georgia.

3172 25-11-16.

3173 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any  
3174 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~  
3175 commissioner, his or her deputy, his or her assistant, or other designated persons may issue  
3176 and deliver to the individual an order to cease and desist such violation. An order issued  
3177 under this Code section may be delivered in accordance with the provisions of subsection  
3178 (d) of this Code section.

3179 (b) Violation of any provision of this chapter or failure to comply with a cease and desist  
3180 order is cause for revocation of any or all certificates and licenses issued by the  
3181 ~~Commissioner~~ commissioner for a period of not less than six months and not to exceed five  
3182 years. If a new certificate or license has been issued to the person so charged, the order of  
3183 revocation shall operate effectively with respect to such new certificates and licenses held  
3184 by such person. In the case of an applicant for a license, certificate, or permit, violation of  
3185 any provision of this title or regulations promulgated thereunder may constitute grounds  
3186 for refusal of the application. Decisions under this subsection may be appealed as provided  
3187 by law.

3188 (c) Any person who violates any provision of this chapter or any rule, regulation, or order  
3189 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil  
3190 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first  
3191 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not  
3192 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to  
3193 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~  
3194 commissioner or his or her agent shall give written notice to the person or entity by hand  
3195 delivery or by registered or certified mail or statutory overnight delivery, return receipt  
3196 requested, of the existence of the violations. After a reasonable period of time after notice  
3197 is given, an order may be issued based on this Code section. Such order must be delivered  
3198 in accordance with the provisions of subsection (d) of this Code section and must notify  
3199 the person or entity of the right to a hearing with respect to same.

3200 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain  
 3201 or be accompanied by a notice of opportunity for hearing which may provide that a hearing  
 3202 will be held if and only if a person subject to the order requests a hearing within ten days  
 3203 of receipt of the order and notice. The order and notice shall be served by delivery by the  
 3204 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or  
 3205 statutory overnight delivery, return receipt requested. Any person who fails to comply with  
 3206 any order under this subsection is guilty of a misdemeanor and may be punished by law.  
 3207 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this  
 3208 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of  
 3209 any provision of this chapter or of any rule, regulation, or order issued by the  
 3210 ~~Commissioner~~ commissioner under this chapter.

3211 25-11-17.

3212 In addition to the grounds set forth in Code Section 25-11-16, it is cause for revocation or  
 3213 suspension, refusal, or nonrenewal of certificates or licenses by the ~~Commissioner~~  
 3214 commissioner if it is determined that the holder or applicant has:

3215 (1) Rendered inoperative a water-based fire protection system covered by this chapter,  
 3216 except during a reasonable time during which the system is being repaired, altered, added  
 3217 to, maintained, inspected, or except pursuant to a court order;

3218 (2) Falsified any record required to be maintained by this chapter or rules or regulations  
 3219 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~  
 3220 commissioner;

3221 (3) Improperly installed, repaired, serviced, modified, altered, inspected, or tested a  
 3222 water-based fire protection system;

3223 (4) While holding a certificate or license, allowed another person to use the certificate  
 3224 or license or certificate number or license number other than his or her own valid  
 3225 certificate or license or certificate number or license number;

3226 (5) While holding a certificate or license, used a certificate or license or certificate  
 3227 number or license number other than his or her own valid certificate or license or  
 3228 certificate number or license number;

3229 (6) Used credentials, methods, means, or practices to impersonate a representative of the  
 3230 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,  
 3231 or other fire authority having jurisdiction;

3232 (7) Failed to maintain the minimum insurance coverage as set forth in this chapter;

3233 (8) Failed to obtain, retain, or maintain one or more of the qualifications and  
 3234 requirements to obtain a certificate of competency or other licenses required by this  
 3235 chapter;

3236 (9) Installed, serviced, modified, altered, inspected, maintained, added to, or tested a  
 3237 water-based fire protection system without a current, valid license or certificate, when  
 3238 such license or certificate is required by this chapter;

3239 (10) Made a material misstatement or misrepresentation or committed a fraud in  
 3240 obtaining or attempting to obtain a license or certificate; or

3241 (11) Failed to notify the ~~Commissioner~~ commissioner, in writing, with 30 days after a  
 3242 change of residence, principal business address, or name.

3243 In addition to other grounds set forth in this Code section, the ~~Commissioner~~ commissioner  
 3244 shall not issue a new license or certificate if the ~~Commissioner~~ commissioner finds that the  
 3245 circumstance or circumstances for which the license or certificate was previously  
 3246 suspended or revoked still exist or are likely to recur.

3247 25-11-18.

3248 The failure to renew a certificate or license by the expiration date as set forth in this chapter  
 3249 will cause the certificate or license to become inoperative. A certificate or license which  
 3250 is inoperative because of the failure to renew it shall be restored upon payment of the  
 3251 applicable fee plus a penalty of not more than \$250.00 if said fees are paid within 90 days  
 3252 of expiration. After 90 days new certificates and licenses must be applied for as required  
 3253 for an initial certificate or license.

3254 25-11-19.

3255 The provisions of this chapter shall not apply to water-based automatic sprinkler systems  
 3256 for use in single-family dwellings or limited water-based systems permitted to be  
 3257 connected directly to a domestic water supply system as allowed by the NFPA Life Safety  
 3258 Code adopted by the ~~Commissioner's~~ commissioner's rules and regulations.

3259 25-11-20.

3260 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 3261 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 3262 administrative orders of the Safety Fire Commissioner under this chapter which are in  
 3263 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 3264 remain in effect until amended, repealed, superseded, or nullified by the commissioner.

3265 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 3266 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 3267 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 3268 Training Center shall continue in effect until the same expire by their terms unless they are  
 3269 suspended, revoked, or otherwise made ineffective as provided by law.

3270 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 3271 Training Center shall carry out all of the functions and obligations and exercise all of the  
 3272 powers formerly held by the Safety Fire Commissioner under this chapter."

3273

**PART X**

3274

**SECTION 10-1.**

3275 Said title is further amended by revising Chapter 12, relating to regulation of fire  
 3276 extinguishers and suppression systems, as follows:

3277

**"CHAPTER 12**

3278 25-12-1.

3279 It is unlawful for any firm to engage in the business of installing, inspecting, recharging,  
 3280 repairing, servicing, or testing of portable fire extinguishers or fire suppression systems,  
 3281 as defined by this chapter, in this state except in conformity with the provisions of this  
 3282 chapter. Each firm engaging in any such business must possess a valid and subsisting  
 3283 license issued by the ~~Commissioner~~ commissioner. Such license shall not be required for  
 3284 any firm or governmental entity that engages only in installing, inspecting, recharging,  
 3285 repairing, servicing, or testing of portable fire extinguishers or fire suppression systems  
 3286 owned by the firm and installed on property under the control of said firm. Such firms  
 3287 shall remain subject to the rules and regulations adopted pursuant to this chapter.

3288 25-12-2.

3289 As used in this chapter, the term:

3290 (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

3291 (2) 'Engineered fire suppression system' means any fire suppression system having pipe  
 3292 lengths, number of fittings, number and types of nozzles, suppression agent flow rates,  
 3293 and nozzle pressures as determined by calculations derived from the appropriate  
 3294 standards of the National Fire Protection Association, whether those calculations are  
 3295 performed by hand or by a computer program or by other method of calculation. These  
 3296 systems may consist of other components, including, but not limited to, detection devices,  
 3297 alarm devices, and control devices as tested and approved by a nationally recognized  
 3298 testing laboratory and shall be manufacturer listed as compatible with the fire suppression  
 3299 system involved.

3300 (3) 'Fire suppression system' means any fire-fighting system employing a suppression  
 3301 agent with the purpose of controlling, suppressing, or extinguishing a fire in a specific

3302 hazard. The suppression agent shall be a currently recognized agent or water additive  
 3303 required to control, suppress, or extinguish a fire. The term ~~fire~~ 'fire suppression system  
 3304 system' shall include engineered and preengineered systems as defined in this chapter and  
 3305 shall not include those systems addressed in Chapter 11 of this title.

3306 (4) 'Firm' means any business, person, partnership, organization, association,  
 3307 corporation, contractor, subcontractor, or individual.

3308 (5) 'License' means the document issued by the ~~Commissioner~~ commissioner which  
 3309 authorizes a firm to engage in the business of installation, repair, alteration, recharging,  
 3310 inspection, maintenance, service, or testing of fire suppression systems or portable fire  
 3311 extinguishers.

3312 (6) 'Permit' means the document issued by the ~~Commissioner~~ commissioner which  
 3313 authorizes an individual to install, inspect, repair, recharge, service, or test fire  
 3314 suppression systems or portable fire extinguishers.

3315 (7) 'Portable fire extinguisher' means a portable device containing an extinguishing agent  
 3316 that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.  
 3317 The device must be listed by a nationally recognized testing laboratory. The device must  
 3318 bear a manufacturer's name and serial number. The listings, approvals, and serial  
 3319 numbers may be stamped on the manufacturer's identification and instruction plate or on  
 3320 a separate plate of the testing laboratory soldered or attached to the extinguisher shell in  
 3321 a permanent manner set forth by the listing or approving organization.

3322 (8) 'Preengineered fire suppression system' means any system having predetermined flow  
 3323 rates, nozzle pressures, and quantities of an extinguishing agent. These systems have the  
 3324 specific pipe size, maximum and minimum pipe lengths, flexible hose specifications,  
 3325 number of fittings, and number and types of nozzles prescribed by a nationally  
 3326 recognized testing laboratory. The hazards protected by these systems are specifically  
 3327 limited as to the type and size by the testing laboratory based upon actual fire tests.  
 3328 Limitations on hazards that can be protected by these systems are contained in the  
 3329 manufacturer's installation manual, which is referenced as part of the listing.

3330 25-12-3.

3331 All fire suppression systems required by the ~~Commissioner's~~ commissioner's rules and  
 3332 regulations or by other state or local fire safety rules or regulations must be installed,  
 3333 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the  
 3334 provisions of this chapter, except as otherwise provided by this chapter.

3335 25-12-4.

3336 All portable fire extinguishers required by the ~~Commissioner's~~ commissioner's rules and  
3337 regulations or by other state or local fire safety rules or regulations must be installed,  
3338 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the  
3339 provisions of this chapter, except as otherwise provided by this chapter.

3340 25-12-5.

3341 The provisions of this chapter do not apply to fire chiefs, fire marshals, fire inspectors, or  
3342 insurance company inspectors with regard to the routine visual inspection of preengineered  
3343 fire suppression systems or portable fire extinguishers.

3344 25-12-6.

3345 (a) The provisions of this chapter do not apply to any firm that engages only in the routine  
3346 visual inspection of fire suppression systems or portable fire extinguishers owned by the  
3347 firm and installed on property under the control of said firm.

3348 (b) The fees required by this chapter shall not apply to employees of federal, state, or local  
3349 governments or to members of legally organized fire departments while acting in their  
3350 official capacities.

3351 25-12-7.

3352 Each firm in the business of installing, altering, inspecting, repairing, recharging, servicing,  
3353 maintaining, or testing fire suppression systems or in the business of inspecting, repairing,  
3354 recharging, servicing, maintaining, or testing portable fire extinguishers is required to  
3355 obtain a license from the ~~Commissioner~~ commissioner. The annual fee for said license  
3356 shall be as established by the ~~Commissioner~~ commissioner by rule or regulation, but such  
3357 license fee shall not exceed \$50.00.

3358 25-12-8.

3359 Each individual actually performing the installing, inspecting, repairing, recharging,  
3360 servicing, or testing activities must possess a valid and subsisting permit issued by the  
3361 ~~Commissioner~~ commissioner. The annual fee for said permit shall be as established by the  
3362 ~~Commissioner~~ commissioner by rule or regulation, but such permit fee shall not exceed  
3363 \$75.00. Such permit shall not be required for any individual employed by any firm or  
3364 governmental entity that engages only in installing, inspecting, recharging, repairing,  
3365 servicing, or testing of portable fire extinguishers or fire suppression systems owned by the  
3366 firm and installed on property under the control of said firm. Such individuals shall remain  
3367 subject to the rules and regulations adopted pursuant to this chapter.

3368 25-12-9.

3369 The licenses and permits required by this chapter shall be issued by the ~~Commissioner~~  
 3370 commissioner for each license year beginning January 1 and expiring the following  
 3371 December 31. The failure to renew a license or permit by December 31 will cause the  
 3372 license or permit to become inoperative. A license or permit which is inoperative because  
 3373 of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty  
 3374 equal to the applicable fee if said fees are paid within 90 days of expiration. After 90 days,  
 3375 the firm and the employees thereof must apply for new licenses and permits as required for  
 3376 an initial license or permit.

3377 25-12-10.

3378 The forms of such licenses and permits and applications and fees therefor shall be  
 3379 prescribed by the ~~Commissioner~~ commissioner by rule or regulation, subject to the  
 3380 limitations on fees provided for in Code Sections 25-12-7 and 25-12-8. In addition to such  
 3381 other information and data as the ~~Commissioner~~ commissioner determines are appropriate  
 3382 and required for such forms, there shall be included in such forms the following matters:

3383 (1) Each such application shall be sworn to by the applicant or, if a corporation, by an  
 3384 officer thereof;

3385 (2) Each application shall clearly state, in detail as set forth by the ~~Commissioner~~  
 3386 commissioner, the type of activity or activities for which the applicant desires a license  
 3387 or permit to perform;

3388 (3) An application for a permit shall include the name of the licensee employing such  
 3389 permittee, and the permit issued in pursuance of such application shall also set forth the  
 3390 name of such licensee. For persons covered by Code Section 25-12-8, the application and  
 3391 permit shall bear the business name of the person's employer; and

3392 (4) The license or permit issued by the ~~Commissioner~~ commissioner shall clearly state  
 3393 the activity or activities for which the firm or individual has been issued the license or  
 3394 permit to perform. The licensee or permittee shall not perform any activity not noted on  
 3395 the license or permit issued by the ~~Commissioner~~ commissioner.

3396 25-12-11.

3397 A license may not be issued by the ~~Commissioner~~ commissioner until:

3398 (1) The applicant has submitted to the ~~Commissioner~~ commissioner evidence of  
 3399 registration as a Georgia corporation;

3400 (2) The ~~Commissioner~~ commissioner or a person designated by him or her has by  
 3401 inspection determined that the applicant possesses the equipment required for the  
 3402 activities the applicant requests to be licensed to perform. If the applicant includes in the

3403 request the high-pressure hydrostatic testing of equipment, the applicant must submit a  
3404 copy of its United States Department of Transportation approval and renewals. If the  
3405 applicant includes in the request the transfer of Halogenated fire suppression agents, the  
3406 applicant must submit a copy of the current Underwriter's Laboratories on-site inspection  
3407 form for a manufacturer's represented Halon pumping station. The ~~Commissioner~~  
3408 commissioner shall give an applicant 60 days to correct any deficiencies discovered by  
3409 inspection;

3410 (3) The applicant has submitted to the ~~Commissioner~~ commissioner proof of a valid  
3411 comprehensive liability insurance policy purchased from an insurer authorized to do  
3412 business in Georgia. The coverage must include bodily injury and property damage,  
3413 products liability, completed operations, and contractual liability. The proof of insurance  
3414 must also be provided before any license can be renewed. The minimum amount of said  
3415 coverage shall be \$1 million or such other amount as specified by the ~~Commissioner~~  
3416 commissioner. An insurer which provides such coverage shall notify the ~~Commissioner~~  
3417 commissioner of any change in coverage; and

3418 (4) The applicant, when filing an application for an examination, pays a nonrefundable  
3419 filing fee fixed by rule or regulation of the ~~Commissioner~~ commissioner.

3420 25-12-12.

3421 No permit may be issued to a person for the first time by the ~~Commissioner~~ commissioner  
3422 until the applicant has submitted a nonrefundable filing fee fixed by rule or regulation of  
3423 the ~~Commissioner~~ commissioner.

3424 25-12-13.

3425 (a) Any firm or individual holding a valid license or permit desiring to perform an activity  
3426 not covered by the current permit may submit an application for an amended license or  
3427 permit at any time between January 1 and the date established by the ~~Commissioner~~  
3428 commissioner for filing applications for renewing an annual license or permit.

3429 (b) The provisions of this chapter relating to the requirements for obtaining a license or  
3430 permit shall apply to applications for an amended license or permit. The ~~Commissioner~~  
3431 commissioner shall by rule or regulation establish the fee for obtaining an amended license  
3432 and the fee for an amended permit, but such fees shall not exceed the respective limits set  
3433 forth in Code Sections 25-12-7 and 25-12-8.

3434 (c) The fees for an amended license or permit shall not apply if the new activity or  
3435 activities are included in an application for a renewal of the annual license or permit. The  
3436 application for renewal must be accompanied by the proof of training and other applicable

3437 documentation regarding the activity or activities desired to be included on the new annual  
3438 license or permit.

3439 25-12-14.

3440 Every permittee must have a valid and subsisting permit upon his or her person at all times  
3441 while engaging in the installing, inspection, recharging, repairing, servicing, or testing of  
3442 fire suppression systems or portable fire extinguishers. Every licensee or permittee must  
3443 be able to produce a valid license or valid permit, as appropriate, upon demand by the  
3444 ~~Commissioner~~ commissioner or his or her representatives or by any local authority having  
3445 jurisdiction for fire protection or prevention or by any person for whom the licensee or  
3446 permittee solicits to perform any of the activities covered by this chapter.

3447 25-12-15.

3448 The ~~Commissioner~~ commissioner may adopt rules and regulations setting forth the proper  
3449 installation, inspection, recharging, repairing, servicing, or testing of fire suppression  
3450 systems or portable fire extinguishers. The ~~Commissioner~~ commissioner may adopt by rule  
3451 the applicable standards of the National Fire Protection Association or another nationally  
3452 recognized organization, if the standards are judged by him or her to be suitable for the  
3453 enforcement of this chapter. All fire suppression systems covered by Code Section 25-12-3  
3454 and all portable fire extinguishers covered by Code Section 25-12-4 shall be installed,  
3455 inspected, recharged, repaired, serviced, or tested in compliance with this chapter and with  
3456 the ~~Commissioner's~~ commissioner's rules and regulations.

3457 25-12-16.

3458 The ~~Commissioner~~ commissioner shall make and promulgate specifications as to the  
3459 number, type, size, shape, color, and information and data contained thereon of service tags  
3460 to be attached to all portable fire extinguishers and fire suppression systems covered by this  
3461 chapter when they are installed, inspected, recharged, repaired, serviced, or tested. It shall  
3462 be unlawful to install, inspect, recharge, repair, service, or test any portable fire  
3463 extinguisher or fire suppression system without attaching the required tag or tags  
3464 completed in detail, including the actual month, day, and year the work was performed, or  
3465 to use a tag not meeting the specifications set forth by the ~~Commissioner~~ commissioner.

3466 25-12-17.

3467 (a) The violation of any provision of this chapter or any rule or regulation adopted and  
3468 promulgated pursuant to this chapter or the failure or refusal to comply with any notice or  
3469 order to correct a violation or any cease and desist order by any person who possesses a

3470 license or permit issued pursuant to this chapter or who is required to have a license or  
3471 permit issued pursuant to this chapter is cause for denial, nonrenewal, revocation, or  
3472 suspension of such license or permit by the ~~Commissioner~~ commissioner after a  
3473 determination that such person is guilty of such violations. An order of suspension shall  
3474 state the period of time of such suspension, which period may not be in excess of two years  
3475 from the date of such order. An order of revocation shall state the period of time of such  
3476 revocation, which period may not be in excess of five years from the date of such order.  
3477 Such order shall effect suspension or revocation of all licenses and permits then held by the  
3478 person, and during such period of time no license or permit shall be issued to such person.  
3479 During the suspension or revocation of any license or permit, the licensee or permittee  
3480 whose license or permit has been suspended or revoked shall not engage in or attempt or  
3481 profess to engage in any transaction or business for which a license or permit is required  
3482 under this chapter or directly or indirectly own, control, or be employed in any manner by  
3483 any firm, business, or corporation for which a license or permit under this chapter is  
3484 required. If, during the period between the beginning of proceedings and the entry of an  
3485 order of suspension or revocation by the ~~Commissioner~~ commissioner, a new license or  
3486 permit has been issued to the person so charged, the order of suspension or revocation shall  
3487 operate to suspend or revoke, as the case may be, such new license or permit held by such  
3488 person.

3489 (b) The department shall not, so long as the revocation or suspension remains in effect,  
3490 issue any new license or permit for the establishment of any new firm, business, or  
3491 corporation of any person or applicant that has or will have the same or similar  
3492 management, ownership, control, employees, permittees, or licensees or will use the same  
3493 or a similar name as the revoked or suspended firm, business, corporation, person, or  
3494 applicant.

3495 (c) The ~~Commissioner~~ commissioner may deny, nonrenew, suspend, or revoke the license  
3496 or permit of:

3497 (1) Any person, firm, business, or corporation whose license has been suspended or  
3498 revoked under this chapter;

3499 (2) Any firm, business, or corporation if any officer, director, stockholder, owner, or  
3500 person who has a direct or indirect interest in the firm, business, or corporation has had  
3501 his or her license or permit suspended under this chapter; and

3502 (3) Any person who is or has been an officer, director, stockholder, or owner of a firm,  
3503 business, or corporation or who has or had a direct or indirect interest in a firm, business,  
3504 or corporation whose license or permit has been suspended or revoked under this chapter.

- 3505 (d) In addition to the grounds set forth in this Code section, it is cause for denial,  
 3506 nonrenewal, revocation, or suspension of a license or permit by the ~~Commissioner~~  
 3507 commissioner if he or she determines that the licensee or permittee has:
- 3508 (1) Rendered inoperative a portable fire extinguisher or preengineered or engineered fire  
 3509 suppression system covered by this chapter, except during such time as the extinguisher  
 3510 or preengineered or engineered system is being inspected, recharged, hydrottested,  
 3511 repaired, altered, added to, maintained, serviced, or tested or except pursuant to court  
 3512 order;
  - 3513 (2) Falsified any record required to be maintained by this chapter or rules or regulations  
 3514 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~  
 3515 commissioner;
  - 3516 (3) Improperly installed, recharged, hydrottested, repaired, serviced, modified, altered,  
 3517 inspected, or tested a portable fire extinguisher or preengineered or engineered fire  
 3518 suppression system;
  - 3519 (4) While holding a permit or license, allowed another person to use the permit or license  
 3520 or permit number or license number or used a license or permit or license number or  
 3521 permit number other than his or her own valid license or permit or license number or  
 3522 permit number;
  - 3523 (5) Failed to provide proof of or failed to maintain the minimum comprehensive liability  
 3524 insurance coverage as set forth in paragraph (3) of Code Section 25-12-11;
  - 3525 (6) Failed to obtain, retain, or maintain one or more of the qualifications for a license or  
 3526 permit required by this chapter;
  - 3527 (7) Used credentials, methods, means, or practices to impersonate a representative of the  
 3528 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,  
 3529 or other fire authority having jurisdiction;
  - 3530 (8) Installed, recharged, hydrottested, repaired, serviced, modified, altered, inspected,  
 3531 maintained, added to, or tested a portable fire extinguisher or preengineered or engineered  
 3532 fire suppression system without a current, valid license or permit when such license or  
 3533 permit is required by this chapter;
  - 3534 (9) Made a material misstatement or misrepresentation or committed a fraud in obtaining  
 3535 or attempting to obtain a license or permit; or
  - 3536 (10) Failed to notify the ~~Commissioner~~ commissioner, in writing, within 30 days after  
 3537 a change of residence, principal business address, or name.
- 3538 (e) In addition, the ~~Commissioner~~ commissioner shall not issue a new license or permit if  
 3539 the ~~Commissioner~~ commissioner finds that the circumstance or circumstances for which  
 3540 the license or permit was previously suspended or revoked still exist or are likely to recur.

3541 25-12-18.

3542 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any  
3543 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~  
3544 commissioner, his or her deputy, his or her assistant, or other designated persons may issue  
3545 and deliver to the individual an order to cease and desist such violation. An order issued  
3546 under this Code section may be delivered in accordance with the provisions of subsection  
3547 (d) of this Code section.

3548 (b) Violation of any provision of this chapter or failure to comply with a cease and desist  
3549 order is cause for revocation of any or all permits and licenses issued by the ~~Commissioner~~  
3550 commissioner for a period of not less than six months and not to exceed five years. If a  
3551 new permit or license has been issued to the person so charged, the order of revocation  
3552 shall operate effectively with respect to such new permits and licenses held by such person.  
3553 In the case of an applicant for a license, certificate, or permit, violation of any provision  
3554 of this title may constitute grounds for refusal of the application. Decisions under this  
3555 subsection may be appealed as provided by law.

3556 (c) Any person who violates any provision of this chapter or any rule, regulation, or order  
3557 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil  
3558 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first  
3559 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not  
3560 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to  
3561 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~  
3562 commissioner or his or her agent shall give written notice to the person or entity by hand  
3563 delivery or by registered or certified mail or statutory overnight delivery, return receipt  
3564 requested, of the existence of the violations. After a reasonable period of time after notice  
3565 is given, an order may be issued based on this Code section. Such order must be delivered  
3566 in accordance with the provisions of subsection (d) of this Code section and must notify  
3567 the person or entity of the right to a hearing with respect to same.

3568 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain  
3569 or be accompanied by a notice of opportunity for hearing which may provide that a hearing  
3570 will be held if and only if a person subject to the order requests a hearing within ten days  
3571 of receipt of the order and notice. The order and notice shall be served by delivery by the  
3572 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or  
3573 statutory overnight delivery, return receipt requested. Any person who fails to comply with  
3574 any order under this subsection is guilty of a misdemeanor and may be punished as  
3575 provided by law.

3576 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this  
3577 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of

3578 any provision of this chapter or of any rule, regulation, or order issued by the  
3579 ~~Commissioner~~ commissioner under this chapter.

3580 25-12-19.

3581 (a) Any person, firm, or corporation which violates any provision of this chapter or any  
3582 order, rule, or regulation of the ~~Commissioner~~ commissioner shall be guilty of a  
3583 misdemeanor.

3584 (b) It shall also constitute a misdemeanor willfully or intentionally to:

3585 (1) Obliterate the serial number on a fire suppression system or portable fire extinguisher  
3586 for the purposes of falsifying service records;

3587 (2) Improperly install a fire suppression system or improperly recharge, repair, service,  
3588 or test any such suppression system or any such portable fire extinguisher;

3589 (3) While holding a permit or license, allow another person to use the permit or license  
3590 or permit number or license number or to use a license or permit or license number or  
3591 permit number other than his or her own valid license or permit or license number or  
3592 permit number;

3593 (4) Use or permit the use of any license by an individual or organization other than the  
3594 one to whom the license is issued;

3595 (5) To use any credential, method, means, or practice to impersonate a representative of  
3596 the ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire  
3597 marshal, or other fire authority having jurisdiction; or

3598 (6) To engage in the business of installing, inspecting, recharging, repairing, servicing,  
3599 or testing portable fire extinguishers or fire suppression systems except in conformity  
3600 with the provisions of this chapter and the applicable rules and regulations of the  
3601 ~~Commissioner~~ commissioner.

3602 25-12-20.

3603 Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any provision  
3604 of this chapter may be exercised, discharged, or performed by a deputy, assistant, or other  
3605 designated employee acting in the ~~Commissioner's~~ commissioner's name and by his or her  
3606 delegated authority. The ~~Commissioner~~ commissioner shall be responsible for the official  
3607 acts of such persons who act in his or her name and by his or her authority.

3608 25-12-21.

3609 (a) All fees collected by the ~~Commissioner~~ commissioner for licenses, permits, and related  
3610 examinations pursuant to the provisions of this chapter shall be deposited in the general  
3611 fund of this state in accordance with applicable laws of this state.

3612 (b) The ~~Commissioner~~ commissioner is authorized to receive grants or gifts for the  
 3613 administration of this chapter from parties interested in upgrading and improving the  
 3614 quality of fire protection provided by portable fire extinguishers or fire suppression  
 3615 systems.

3616 25-12-22.

3617 (a) Nothing in this chapter limits the power of a municipality, a county, or the state to  
 3618 require the submission and approval of plans and specifications or to regulate the quality  
 3619 and character of work performed by contractors through a system of permits, fees, and  
 3620 inspections otherwise authorized by law for the protection of the public health and safety.

3621 (b) No municipality or county shall impose any other requirements on persons licensed or  
 3622 permitted by the ~~Commissioner~~ commissioner as set forth in this chapter to prove  
 3623 competency to conduct any activity covered by said license or permit.

3624 25-12-23.

3625 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 3626 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 3627 administrative orders of the Safety Fire Commissioner under this chapter which are in  
 3628 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 3629 remain in effect until amended, repealed, superseded, or nullified by the commissioner.

3630 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 3631 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 3632 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 3633 Training Center shall continue in effect until the same expire by their terms unless they are  
 3634 suspended, revoked, or otherwise made ineffective as provided by law.

3635 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 3636 Training Center shall carry out all of the functions and obligations and exercise all of the  
 3637 powers formerly held by the Safety Fire Commissioner under this chapter."

3638

## PART XI

3639

### SECTION 11-1.

3640 Said title is further amended by revising Chapter 14, relating to Georgia fire safety standard  
 3641 and firefighter protection, as follows:

## 3642 "CHAPTER 14

3643 25-14-1.

3644 This chapter shall be known and may be cited as the 'Georgia Fire Safety Standard and  
3645 Firefighter Protection Act.'

3646 25-14-2.

3647 As used in this chapter, the term:

3648 (1) 'Agent' means any person authorized by the state revenue commissioner to purchase  
3649 and affix stamps on packages of cigarettes.

3650 (2) 'Cigarette' means:

3651 (A) Any roll for smoking made wholly or in part of tobacco when the cover of the roll  
3652 is paper or any substance other than tobacco; or

3653 (B) Any roll for smoking wrapped in any substance containing tobacco which, because  
3654 of its appearance, the type of tobacco used in the filler, or its packaging and labeling,  
3655 is likely to be offered to, or purchased by, consumers as a cigarette as described in  
3656 subparagraph (A) of this paragraph.

3657 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

3658 (4) 'Manufacturer' means:

3659 (A) Any entity which manufactures, makes, produces, or causes to be produced  
3660 cigarettes sold in this state or cigarettes said entity intends to be sold in this state;

3661 (B) The first purchaser of cigarettes manufactured anywhere that intends to resell such  
3662 cigarettes in this state regardless of whether the original manufacturer, maker, or  
3663 producer intends such cigarettes to be sold in the United States; or

3664 (C) Any entity which becomes a successor of an entity described in subparagraph (A)  
3665 or (B) of this paragraph.

3666 (4.1) 'New York Fire Safety Standards for Cigarettes' means those New York Fire Safety  
3667 Standards for Cigarettes in effect on April 1, 2008.

3668 (5) 'Quality control and quality assurance program' means the laboratory procedures  
3669 implemented to ensure that operator bias, systematic and nonsystematic methodological  
3670 errors, and equipment related problems do not affect the results of the testing. Such a  
3671 program ensures that the testing repeatability remains within the required repeatability  
3672 values stated in paragraph (6) of subsection (b) of Code Section 25-14-3 for all test trials  
3673 used to certify cigarettes in accordance with this chapter.

3674 (6) 'Repeatability' means the range of values within which the repeat results of cigarette  
3675 test trials from a single laboratory will fall 95 percent of the time.

- 3676 (7) 'Retail dealer' means any person, other than a manufacturer or wholesale dealer,  
 3677 engaged in selling cigarettes or tobacco products.
- 3678 (8) 'Sale' means any sale, transfer, exchange, theft, barter, gift, or offer for sale and  
 3679 distribution in any manner or by any means whatever.
- 3680 (9) 'Sell' means to sell or to offer or agree to do the same.
- 3681 (10) 'Wholesale dealer' means any person that is not a manufacturer who sells cigarettes  
 3682 or tobacco products to retail dealers or other persons for purposes of resale. A wholesale  
 3683 dealer is also any person who owns, operates, or maintains one or more cigarette or  
 3684 tobacco product vending machines in, at, or upon premises owned or occupied by any  
 3685 other person.
- 3686 25-14-3.
- 3687 (a) Except as provided in subsection (h) of this Code section, no cigarettes may be sold or  
 3688 offered for sale in this state or offered for sale or sold to persons located in this state unless  
 3689 the cigarettes have been tested in accordance with the test method and meet the  
 3690 performance standard specified in this Code section, a written certification has been filed  
 3691 by the manufacturer in accordance with Code Section 25-14-4, and the cigarettes have been  
 3692 marked in accordance with Code Section 25-14-5.
- 3693 (b)(1) Testing of cigarettes shall be conducted in accordance with the American Society  
 3694 of Testing and Materials (ASTM) Standard E2187-04, 'Standard Test Method for  
 3695 Measuring the Ignition Strength of Cigarettes.'
- 3696 (2) Testing shall be conducted on ten layers of filter paper.
- 3697 (3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this  
 3698 Code section shall exhibit full-length burns. Forty replicate tests shall comprise a  
 3699 complete test trial for each cigarette tested.
- 3700 (4) The performance standard required by this Code section shall only be applied to a  
 3701 complete test trial.
- 3702 (5) Written certifications shall be based upon testing conducted by a laboratory that has  
 3703 been accredited pursuant to standard ISO/IEC 17025 of the International Organization  
 3704 for Standardization (ISO) or other comparable accreditation standard required by the  
 3705 ~~Commissioner~~ commissioner.
- 3706 (6) Laboratories conducting testing in accordance with this Code section shall implement  
 3707 a quality control and quality assurance program that includes a procedure that will  
 3708 determine the repeatability of the testing results. The repeatability value shall be no  
 3709 greater than 0.19.
- 3710 (7) This Code section does not require additional testing if cigarettes are tested consistent  
 3711 with this chapter for any other purpose.

3712 (8) Testing performed or sponsored by the ~~Commissioner~~ commissioner to determine a  
3713 cigarette's compliance with the performance standard required shall be conducted in  
3714 accordance with this Code section.

3715 (c) Each cigarette listed in a certification submitted pursuant to Code Section 25-14-4 that  
3716 uses lowered permeability bands in the cigarette paper to achieve compliance with the  
3717 performance standard set forth in this Code section shall have at least two nominally  
3718 identical bands on the paper surrounding the tobacco column. At least one complete band  
3719 shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes  
3720 on which the bands are positioned by design, there shall be at least two bands fully located  
3721 at least 15 millimeters from the lighting end and ten millimeters from the filter end of the  
3722 tobacco column, or ten millimeters from the labeled end of the tobacco column for  
3723 nonfiltered cigarettes.

3724 (d) A manufacturer of a cigarette that the ~~Commissioner~~ commissioner determines cannot  
3725 be tested in accordance with the test method prescribed in paragraph (1) of subsection (b)  
3726 of this Code section shall propose a test method and performance standard for the cigarette  
3727 to the ~~Commissioner~~ commissioner. Upon approval of the proposed test method and a  
3728 determination by the ~~Commissioner~~ commissioner that the performance standard proposed  
3729 by the manufacturer is equivalent to the performance standard prescribed in paragraph (3)  
3730 of subsection (b) of this Code section, the manufacturer may employ such test method and  
3731 performance standard to certify such cigarette pursuant to Code Section 25-14-4. If the  
3732 ~~Commissioner~~ commissioner determines that another state has enacted reduced cigarette  
3733 ignition propensity standards that include a test method and performance standard that are  
3734 the same as those contained in this chapter, and the ~~Commissioner~~ commissioner finds that  
3735 the officials responsible for implementing those requirements have approved the proposed  
3736 alternative test method and performance standard for a particular cigarette proposed by a  
3737 manufacturer as meeting the fire safety standards of that state's law or regulation under a  
3738 legal provision comparable to this Code section, then the ~~Commissioner~~ commissioner  
3739 shall authorize that manufacturer to employ the alternative test method and performance  
3740 standard to certify that cigarette for sale in this state, unless the ~~Commissioner~~  
3741 commissioner demonstrates a reasonable basis why the alternative test should not be  
3742 accepted under this chapter. All other applicable requirements of this Code section shall  
3743 apply to the manufacturer.

3744 (e) Each manufacturer shall maintain copies of the reports of all tests conducted on all  
3745 cigarettes offered for sale for a period of three years, and shall make copies of these reports  
3746 available to the ~~Commissioner~~ commissioner and the Attorney General upon written  
3747 request. Any manufacturer who fails to make copies of these reports available within 60  
3748 days of receiving a written request shall be subject to a civil penalty not to exceed

3749 \$10,000.00 for each day after the sixtieth day that the manufacturer does not make such  
3750 copies available.

3751 (f) The ~~Commissioner~~ commissioner may adopt a subsequent ASTM Standard Test  
3752 Method for Measuring the Ignition Strength of Cigarettes upon a finding that such  
3753 subsequent method does not result in a change in the percentage of full-length burns  
3754 exhibited by any tested cigarette when compared to the percentage of full-length burns the  
3755 same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04  
3756 and the performance standard in paragraph (3) of subsection (b) of this Code section.

3757 (g) The ~~Commissioner~~ commissioner shall review the effectiveness of this Code section  
3758 and report his or her findings every three years to the General Assembly and, if appropriate,  
3759 recommendations for legislation to improve the effectiveness of this chapter. The report  
3760 and legislative recommendations shall be submitted no later than June 30 following the  
3761 conclusion of each three-year period.

3762 (h) The requirements of subsection (a) of this Code section shall not prohibit:

3763 (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or  
3764 after January 1, 2010, if the wholesale or retailer dealer can establish that state tax stamps  
3765 were affixed to the cigarettes prior to January 1, 2010, and if the wholesale or retailer  
3766 dealer can establish that the inventory was purchased prior to January 1, 2010, in  
3767 comparable quantity to the inventory purchased during the same period of the prior year;  
3768 or

3769 (2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this  
3770 paragraph, the term 'consumer testing' shall mean an assessment of cigarettes that is  
3771 conducted by a manufacturer, or under the control and direction of a manufacturer, for  
3772 the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the  
3773 quantity of cigarettes that is reasonably necessary for such assessment.

3774 (i) This chapter shall be implemented in accordance with the implementation and  
3775 substance of the New York Fire Safety Standards for Cigarettes.

3776 25-14-4.

3777 (a) Each manufacturer shall submit to the ~~Commissioner~~ commissioner a written  
3778 certification attesting that:

3779 (1) Each cigarette listed in the certification has been tested in accordance with Code  
3780 Section 25-14-3; and

3781 (2) Each cigarette listed in the certification meets the performance standard set forth in  
3782 paragraph (3) of subsection (b) of Code Section 25-14-3.

3783 (b) Each cigarette listed in the certification shall be described with the following  
3784 information:

- 3785 (1) Brand or trade name on the package;
- 3786 (2) Style, such as light or ultra light;
- 3787 (3) Length in millimeters;
- 3788 (4) Circumference in millimeters;
- 3789 (5) Flavor, such as menthol or chocolate, if applicable;
- 3790 (6) Filter or nonfilter;
- 3791 (7) Package description, such as soft pack or box;
- 3792 (8) Marking approved in accordance with Code Section 25-14-5;
- 3793 (9) The name, address, and telephone number of the laboratory, if different from the
- 3794 manufacturer that conducted the test; and
- 3795 (10) The date that the testing occurred.
- 3796 (c) The certifications shall also be made available to the Attorney General for purposes
- 3797 consistent with this chapter and to the state revenue commissioner for the purposes of
- 3798 ensuring compliance with this Code section.
- 3799 (d) Each cigarette certified under this Code section shall be recertified every three years.
- 3800 (e) For each cigarette listed in a certification, a manufacturer shall pay to the
- 3801 ~~Commissioner~~ commissioner a fee of \$250.00.
- 3802 (f) If a manufacturer has certified a cigarette pursuant to this Code section and thereafter
- 3803 makes any change to such cigarette that is likely to alter its compliance with the reduced
- 3804 cigarette ignition propensity standards required by this chapter, that cigarette shall not be
- 3805 sold or offered for sale in this state until the manufacturer retests the cigarette in
- 3806 accordance with the testing standards set forth in Code Section 25-14-3 and maintains
- 3807 records of that retesting as required by Code Section 25-14-3. Any altered cigarette which
- 3808 does not meet the performance standard set forth in Code Section 25-14-3 shall not be sold
- 3809 in this state.
- 3810 25-14-5.
- 3811 (a) Cigarettes that are certified by a manufacturer in accordance with Code
- 3812 Section 25-14-4 shall be marked to indicate compliance with the requirements of Code
- 3813 Section 25-14-3. The marking shall be in eight-point type or larger and consist of:
- 3814 (1) Modification of the Universal Product Code to include a visible mark printed at or
- 3815 around the area of the Universal Product Code. The mark may consist of alphanumeric
- 3816 or symbolic characters permanently stamped, engraved, embossed, or printed in
- 3817 conjunction with the Universal Product Code;
- 3818 (2) Any visible combination of alphanumeric or symbolic characters permanently
- 3819 stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap; or

3820 (3) Printed, stamped, engraved, or embossed text on the cigarette packaging or  
3821 cellophane wrap that indicates that the cigarettes meet Georgia standards.

3822 (b) A manufacturer shall use only one marking and shall apply this marking uniformly for  
3823 all packages, including but not limited to packs, cartons, and cases, and brands marketed  
3824 by that manufacturer.

3825 (c) The ~~Commissioner~~ commissioner shall be notified as to the marking that is selected.

3826 (d) Prior to the certification of any cigarette, a manufacturer shall present its proposed  
3827 marking to the ~~Commissioner~~ commissioner for approval. Upon receipt of the request, the  
3828 ~~Commissioner~~ commissioner shall approve or disapprove the marking offered. The  
3829 ~~Commissioner~~ commissioner shall approve:

3830 (1) Any marking in use and approved for sale in New York pursuant to the New York  
3831 Fire Safety Standards for Cigarettes; or

3832 (2) The letters 'FSC,' which signifies Fire Standards Compliant, appearing in eight-point  
3833 type or larger and permanently printed, stamped, engraved, or embossed on the package  
3834 at or near the Universal Product Code.

3835 Proposed markings shall be deemed approved if the ~~Commissioner~~ commissioner fails to  
3836 act within ten business days of receiving a request for approval.

3837 (e) No manufacturer shall modify its approved marking unless the modification has been  
3838 approved by the ~~Commissioner~~ commissioner in accordance with this Code section.

3839 (f) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall  
3840 provide a copy of the certifications to all wholesale dealers and agents to which they sell  
3841 cigarettes and shall also provide sufficient copies of an illustration of the package marking  
3842 utilized by the manufacturer pursuant to this Code section for each retail dealer to which  
3843 the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide  
3844 a copy of these package markings received from manufacturers to all retail dealers to which  
3845 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the  
3846 ~~Commissioner~~ commissioner, the state revenue commissioner, the Attorney General, and  
3847 their employees to inspect markings of cigarette packaging marked in accordance with this  
3848 Code section.

3849 25-14-6.

3850 (a) A manufacturer, wholesale dealer, agent, or any other person or entity who knowingly  
3851 sells or offers to sell cigarettes, other than through retail sale, in violation of Code  
3852 Section 25-14-3, for a first offense shall be subject to a civil penalty not to exceed \$100.00  
3853 ~~dollars~~ for each pack of such cigarettes sold or offered for sale, provided that in no case  
3854 shall the penalty against any such person or entity exceed \$100,000.00 during any 30 day  
3855 period.

3856 (b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of Code  
3857 Section 25-14-3 shall be subject to a civil penalty not to exceed \$100.00 for each pack of  
3858 such cigarettes, provided that in no case shall the penalty against any retail dealer exceed  
3859 \$25,000.00 during any 30 day period.

3860 (c) In addition to any penalty prescribed by law, any corporation, partnership, sole  
3861 proprietor, limited partnership, or association engaged in the manufacture of cigarettes that  
3862 knowingly makes a false certification pursuant to Code Section 25-14-4 shall be subject  
3863 to a civil penalty of at least \$75,000.00 and not to exceed \$250,000.00 for each such false  
3864 certification.

3865 (d) Any person violating any other provision in this chapter shall be subject to a civil  
3866 penalty for a first offense not to exceed \$1,000.00, and for a subsequent offense subject to  
3867 a civil penalty not to exceed \$5,000.00, for each such violation.

3868 (e) Any cigarettes that have been sold or offered for sale that do not comply with the  
3869 performance standard required by Code Section 25-14-3 shall be subject to forfeiture and,  
3870 upon forfeiture, shall be destroyed; provided, however, that prior to the destruction of any  
3871 cigarette pursuant to this Code section, the true holder of the trademark rights in the  
3872 cigarette brand shall be permitted to inspect the cigarette.

3873 (f) In addition to any other remedy provided by law, the ~~Commissioner~~ commissioner or  
3874 Attorney General may file an action in superior court for a violation of this chapter,  
3875 including petitioning for injunctive relief or to recover any costs or damages suffered by  
3876 the state because of a violation of this chapter, including enforcement costs relating to the  
3877 specific violation and attorney's fees. Each violation of this chapter or of rules or  
3878 regulations adopted under this chapter constitutes a separate civil violation for which the  
3879 ~~Commissioner~~ commissioner or Attorney General may obtain relief.

3880 (g) Whenever any law enforcement personnel or duly authorized representative of the  
3881 ~~Commissioner~~ commissioner or Attorney General shall discover any cigarettes that have  
3882 not been marked in the manner required under Code Section 25-14-5, such personnel are  
3883 hereby authorized and empowered to seize and take possession of such cigarettes. Such  
3884 cigarettes shall be turned over to the state revenue commissioner and shall be forfeited to  
3885 the state. Cigarettes seized pursuant to this subsection shall be destroyed; provided,  
3886 however, that prior to the destruction of any cigarette seized pursuant to this subsection,  
3887 the true holder of the trademark rights in the cigarette brand shall be permitted to inspect  
3888 the cigarette.

3889 25-14-7.

3890 (a) The ~~Commissioner~~ commissioner may promulgate rules and regulations, pursuant to  
3891 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' necessary to effectuate  
3892 the purposes of this chapter.

3893 (b) The state revenue commissioner in the regular course of conducting inspections of  
3894 wholesale dealers, agents, and retail dealers, as authorized under Chapter 11 of Title 48,  
3895 may inspect such cigarettes to determine if the cigarettes are marked as required by Code  
3896 Section 25-14-5. If the cigarettes are not marked as required, the state revenue  
3897 commissioner shall notify the ~~Commissioner~~ commissioner.

3898 25-14-8.

3899 To enforce the provisions of this chapter, the Attorney General and the ~~Commissioner~~  
3900 commissioner, their duly authorized representatives, and other law enforcement personnel  
3901 shall be authorized to examine the books, papers, invoices, and other records of any person  
3902 in possession, control, or occupancy of any premises where cigarettes are placed, stored,  
3903 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person  
3904 in the possession, control, or occupancy of any premises where cigarettes are placed, sold,  
3905 or offered for sale shall be directed and required to give the Attorney General and the  
3906 ~~Commissioner~~ commissioner, their duly authorized representatives, and other law  
3907 enforcement personnel the means, facilities, and opportunity for the examinations  
3908 authorized by this Code section.

3909 25-14-9.

3910 Nothing in this chapter shall be construed to prohibit any person or entity from  
3911 manufacturing or selling cigarettes that do not meet the requirements of Code  
3912 Section 25-14-3 if the cigarettes are not for sale in this state or are packaged for sale  
3913 outside the United States, and that person or entity has taken reasonable steps to ensure that  
3914 such cigarettes will not be sold or offered for sale to persons located in this state.

3915 25-14-10.

3916 This chapter shall cease to be applicable if federal reduced cigarette ignition propensity  
3917 standards that preempt this chapter are enacted.

3918 25-14-11.

3919 If, after the date specified in paragraph (4.1) of Code Section 25-14-2, the New York safety  
3920 standards are changed, then the ~~Commissioner~~ commissioner shall suggest proposed  
3921 legislation to the chairpersons of the appropriate standing committees of the General

3922 Assembly as designated by the presiding officer of each house. Such proposed legislation  
 3923 shall contain provisions necessary to bring paragraph (4.1) of Code Section 25-14-2 into  
 3924 accordance with the New York safety standards.

3925 25-14-12.

3926 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 3927 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 3928 administrative orders of the Safety Fire Commissioner under this chapter which are in  
 3929 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 3930 remain in effect until amended, repealed, superseded, or nullified by the commissioner.

3931 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 3932 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 3933 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 3934 Training Center shall continue in effect until the same expire by their terms unless they are  
 3935 suspended, revoked, or otherwise made ineffective as provided by law.

3936 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 3937 Training Center shall carry out all of the functions and obligations and exercise all of the  
 3938 powers formerly held by the Safety Fire Commissioner under this chapter."

3939 **PART XII**

3940 **SECTION 12-1.**

3941 Said title is further amended by revising Chapter 15, relating to other safety inspections and  
 3942 regulations, as follows:

3943 "CHAPTER 15

3944 ARTICLE 1

3945 25-15-1.

3946 ~~(a) The office of Safety Fire Commissioner shall succeed to all rules, regulations, policies,~~  
 3947 ~~procedures, and administrative orders of the Department of Labor in effect on June 30,~~  
 3948 ~~2012, or scheduled to go into effect on or after July 1, 2012, and which relate to the~~  
 3949 ~~functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and~~  
 3950 ~~Part 6 of Article 1 of Chapter 2 of Title 8 and shall further succeed to any rights, privileges,~~  
 3951 ~~entitlements, obligations, and duties of the Department of Labor in effect on June 30, 2012,~~  
 3952 ~~which relate to the functions transferred to the office of Safety Fire Commissioner pursuant~~  
 3953 ~~to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8. Such rules, regulations,~~

3954 ~~policies, procedures, and administrative orders shall remain in effect until amended,~~  
3955 ~~repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper~~  
3956 ~~authority or as otherwise provided by law.~~

3957 ~~(b) Any proceedings or other matters pending before the Department of Labor or~~  
3958 ~~Commissioner of Labor on June 30, 2012, which relate to the functions transferred to the~~  
3959 ~~office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of~~  
3960 ~~Chapter 2 of Title 8 shall be transferred to the office of Safety Fire Commissioner on July~~  
3961 ~~1, 2012.~~

3962 ~~(c) The rights, privileges, entitlements, obligations, and duties of parties to contracts,~~  
3963 ~~leases, agreements, and other transactions as identified by the Office of Planning and~~  
3964 ~~Budget entered into before July 1, 2012, by the Department of Labor which relate to the~~  
3965 ~~functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and~~  
3966 ~~Part 6 of Article 1 of Chapter 2 of Title 8 shall continue to exist; and none of these rights,~~  
3967 ~~privileges, entitlements, obligations, and duties are impaired or diminished by reason of the~~  
3968 ~~transfer of the functions to the office of Safety Fire Commissioner. In all such instances,~~  
3969 ~~the office of Safety Fire Commissioner shall be substituted for the Department of Labor,~~  
3970 ~~and the office of Safety Fire Commissioner shall succeed to the rights and duties under~~  
3971 ~~such contracts, leases, agreements, and other transactions.~~

3972 ~~(d) All persons employed by the Department of Labor in capacities which relate to the~~  
3973 ~~functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and~~  
3974 ~~Part 6 of Article 1 of Chapter 2 of Title 8 on June 30, 2012, shall, on July 1, 2012, become~~  
3975 ~~employees of the office of Safety Fire Commissioner in similar capacities, as determined~~  
3976 ~~by the Commissioner of Insurance. Such employees shall be subject to the employment~~  
3977 ~~practices and policies of the office of Safety Fire Commissioner on and after July 1, 2012,~~  
3978 ~~but the compensation and benefits of such transferred employees shall not be reduced as~~  
3979 ~~a result of such transfer. Employees who are subject to the rules of the State Personnel~~  
3980 ~~Board and who are transferred to the office shall retain all existing rights under such rules.~~  
3981 ~~Accrued annual and sick leave possessed by the transferred employees on June 30, 2012,~~  
3982 ~~shall be retained by such employees as employees of the office of Safety Fire~~  
3983 ~~Commissioner.~~

3984 ~~(e) On July 1, 2012, the office of Safety Fire Commissioner shall receive custody of the~~  
3985 ~~state owned real property in the custody of the Department of Labor on June 30, 2012, and~~  
3986 ~~which pertains to the functions transferred to the office of Safety Fire Commissioner~~  
3987 ~~pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8.~~

3988 ~~(f) The Safety Fire Commissioner shall provide a report to the House Committee on~~  
3989 ~~Governmental Affairs and the Senate Government Oversight Committee prior to the first~~  
3990 ~~day of the 2013 regular session of the Georgia General Assembly outlining the effects and~~

3991 ~~results of this Code section and providing information on any problems or concerns with~~  
 3992 ~~respect to the implementation of this Code section. Reserved.~~

3993 ARTICLE 2

3994 25-15-10.

3995 This article shall be known and may be cited as the 'Boiler and Pressure Vessel Safety Act'  
 3996 and, except as otherwise provided in this article, shall apply to all boilers and pressure  
 3997 vessels.

3998 25-15-11.

3999 As used in this article, the term:

4000 (1) 'Boiler' means a closed vessel in which water or other liquid is heated, steam or vapor  
 4001 is generated, or steam is superheated or in which any combination of these functions is  
 4002 accomplished, under pressure or vacuum, for use externally to itself, by the direct  
 4003 application of energy from the combustion of fuels or from electricity, solar, or nuclear  
 4004 energy. The term 'boiler' shall include fired units for heating or vaporizing liquids other  
 4005 than water where these units are separate from processing systems and are complete  
 4006 within themselves. The term 'boiler' is further defined as follows:

4007 (A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding  
 4008 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or  
 4009 temperatures not exceeding 250 degrees Fahrenheit.

4010 (B) 'High pressure, high temperature water boiler' means a water boiler operating at  
 4011 pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

4012 (C) 'Power boiler' means a boiler in which steam or other vapor is generated at a  
 4013 pressure of more than 15 psig.

4014 (2) 'Certificate of inspection' means an inspection, the report of which is used by the  
 4015 chief inspector to determine whether or not a certificate as provided by subsection (c) of  
 4016 Code Section 25-15-24 may be issued.

4017 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4018 (4) '~~Office~~ Division' means the ~~office of Safety Fire Commissioner~~ Division of Fire  
 4019 Safety within the Georgia Public Safety Training Center.

4020 (5) 'Pressure vessel' means a vessel other than those vessels defined in paragraph (1) of  
 4021 this Code section in which the pressure is obtained from an external source or by the  
 4022 application of heat.

4023 25-15-12.

4024 The ~~Commissioner~~ commissioner shall be authorized to consult with persons  
4025 knowledgeable in the areas of construction, use, or safety of boilers and pressure vessels  
4026 and to create committees composed of such consultants to assist the ~~Commissioner~~  
4027 commissioner in carrying out his or her duties under this article.

4028 25-15-13.

4029 (a)(1) The ~~office~~ division shall formulate definitions, rules, and regulations for the safe  
4030 construction, installation, inspection, maintenance, and repair of boilers and pressure  
4031 vessels in this state.

4032 (2) The definitions, rules, and regulations so formulated for new construction shall be  
4033 based upon and at all times follow the generally accepted nation-wide engineering  
4034 standards, formulas, and practices established and pertaining to boiler and pressure vessel  
4035 construction and safety; and the ~~office~~ division may adopt an existing published  
4036 codification thereof, known as the Boiler and Pressure Vessel Code of the American  
4037 Society of Mechanical Engineers, with the amendments and interpretations thereto made  
4038 and approved by the council of the society, and may likewise adopt the amendments and  
4039 interpretations subsequently made and published by the same authority. When so  
4040 adopted, the same shall be deemed to be incorporated into and shall constitute a part of  
4041 the whole of the definitions, rules, and regulations of the ~~office~~ division. Amendments  
4042 and interpretations to the code so adopted shall be effective immediately upon being  
4043 promulgated, to the end that the definitions, rules, and regulations shall at all times follow  
4044 the generally accepted nation-wide engineering standards.

4045 (3) The ~~office~~ division shall formulate the rules and regulations for the inspection,  
4046 maintenance, and repair of boilers and pressure vessels which were in use in this state  
4047 prior to the date upon which the first rules and regulations under this article pertaining  
4048 to existing installations become effective or during the 12 month period immediately  
4049 thereafter. The rules and regulations so formulated shall be based upon and at all times  
4050 follow generally accepted nation-wide engineering standards and practices and may adopt  
4051 sections of the Inspection Code of the National Board of Boiler and Pressure Vessel  
4052 Inspectors or API 510 of the American Petroleum Institute, as applicable.

4053 (b) The rules and regulations and any subsequent amendments thereto formulated by the  
4054 ~~office~~ division shall, immediately following a hearing upon not less than 20 days' notice  
4055 as provided in this article, be approved and published and when so promulgated shall have  
4056 the force and effect of law, except that the rules applying to the construction of new boilers  
4057 and pressure vessels shall not become mandatory until 12 months after their promulgation  
4058 by the ~~office~~ division. Notice of the hearing shall give the time and place of the hearing and

4059 shall state the matters to be considered at the hearing. Such notice shall be given to all  
4060 persons directly affected by such hearing. In the event all persons directly affected are  
4061 unknown, notice may be perfected by publication in a newspaper of general circulation in  
4062 this state at least 20 days prior to such hearing.

4063 (c) Subsequent amendments to the rules and regulations adopted by the ~~office~~ division  
4064 shall be permissive immediately and shall become mandatory 12 months after their  
4065 promulgation.

4066 25-15-14.

4067 No boiler or pressure vessel which does not conform to the rules and regulations of the  
4068 ~~office~~ division governing new construction and installation shall be installed and operated  
4069 in this state after 12 months from the date upon which the first rules and regulations under  
4070 this article pertaining to new construction and installation shall have become effective,  
4071 unless the boiler or pressure vessel is of special design or construction and is not  
4072 inconsistent with the spirit and safety objectives of such rules and regulations, in which  
4073 case a special installation and operating permit may at its discretion be granted by the  
4074 ~~office~~ division.

4075 25-15-15.

4076 (a) The maximum allowable working pressure of a boiler carrying the ASME Code  
4077 symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be  
4078 determined by the applicable sections of the code under which it was constructed and  
4079 stamped. Subject to the concurrence of the enforcement authority at the point of  
4080 installation, such a boiler or pressure vessel may be rerated in accordance with the rules of  
4081 a later edition of the ASME Code and in accordance with the rules of the National Board  
4082 Inspection Code or API 510, as applicable.

4083 (b) The maximum allowable working pressure of a boiler or pressure vessel which does  
4084 not carry the ASME or the API-ASME Code symbol shall be computed in accordance with  
4085 the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

4086 (c) This article shall not be construed as in any way preventing the use, sale, or  
4087 reinstallation of a boiler or pressure vessel referred to in this Code section, provided that  
4088 it has been made to conform to the rules and regulations of the office governing existing  
4089 installations; and provided, further, that it has not been found upon inspection to be in an  
4090 unsafe condition.

4091 25-15-16.

4092 (a) This article shall not apply to the following boilers and pressure vessels:

- 4093 (1) Boilers and pressure vessels under federal control or under regulations of 49 C.F.R.  
4094 192 and 193;
- 4095 (2) Pressure vessels used for transportation and storage of compressed or liquefied gases  
4096 when constructed in compliance with specifications of the United States Department of  
4097 Transportation and when charged with gas or liquid, marked, maintained, and  
4098 periodically requalified for use, as required by appropriate regulations of the United  
4099 States Department of Transportation;
- 4100 (3) Pressure vessels located on vehicles operating under the rules of other state or federal  
4101 authorities and used for carrying passengers or freight;
- 4102 (4) Air tanks installed on the right of way of railroads and used directly in the operation  
4103 of trains;
- 4104 (5) Pressure vessels that do not exceed:
- 4105 (A) Five cubic feet in volume and 250 psig pressure; or  
4106 (B) One and one-half cubic feet in volume and 600 psig pressure; or  
4107 (C) An inside diameter of six inches with no limitation on pressure;
- 4108 (6) Pressure vessels having an internal or external working pressure not exceeding 15  
4109 psig with no limit on size;
- 4110 (7) Pressure vessels with a nominal water-containing capacity of 120 gallons or less for  
4111 containing water under pressure, including those containing air, the compression of which  
4112 serves only as a cushion;
- 4113 (8) Pressure vessels containing water heated by steam or any other indirect means when  
4114 none of the following limitations are exceeded:
- 4115 (A) A heat input of 200,000 BTU per hour;  
4116 (B) A water temperature of 210 degrees Fahrenheit; and  
4117 (C) A nominal water-containing capacity of 120 gallons;
- 4118 (9) Hot water supply boilers which are directly fired with oil, gas, or electricity when  
4119 none of the following limitations are exceeded:
- 4120 (A) Heat input of 200,000 BTU per hour;  
4121 (B) Water temperature of 210 degrees Fahrenheit; and  
4122 (C) Nominal water-containing capacity of 120 gallons.
- 4123 These exempt hot water supply boilers shall be equipped with ASME-National Board  
4124 approved safety relief valves;
- 4125 (10) Pressure vessels in the care, custody, and control of research facilities and used  
4126 solely for research purposes which require one or more details of noncode construction  
4127 or which involve destruction or reduced life expectancy of those vessels;
- 4128 (11) Pressure vessels or other structures or components that are not considered to be  
4129 within the scope of ASME Code, Section VIII;

4130 (12) Boilers and pressure vessels operated and maintained for the production and  
4131 generation of electricity; provided, however, that any person, firm, partnership, or  
4132 corporation operating such a boiler or pressure vessel has insurance or is self-insured and  
4133 such boiler or pressure vessel is regularly inspected in accordance with the minimum  
4134 requirements for safety as defined in the ASME Code by an inspector who has been  
4135 issued a certificate of competency by the ~~Commissioner~~ commissioner in accordance  
4136 with the provisions of Code Section 25-15-19;

4137 (13) Boilers and pressure vessels operated and maintained as a part of a manufacturing  
4138 process; provided, however, that any person, firm, partnership, or corporation operating  
4139 such a boiler or pressure vessel has insurance or is self-insured and such boiler or  
4140 pressure vessel is regularly inspected in accordance with the minimum requirements for  
4141 safety as defined in the ASME Code by an inspector who has been issued a certificate of  
4142 competency by the ~~Commissioner~~ commissioner in accordance with the provisions of  
4143 Code Section 25-15-19;

4144 (14) Boilers and pressure vessels operated and maintained by a public utility; and

4145 (15) Autoclaves used only for the sterilization of reusable medical or dental implements  
4146 in the place of business of any professional licensed by the laws of this state.

4147 (b) The following boilers and pressure vessels shall be exempt from the requirements of  
4148 subsections (b), (c), and (d) of Code Section 25-15-23 and Code Sections 25-15-24 and  
4149 25-15-26:

4150 (1) Boilers or pressure vessels located on farms and used solely for agricultural or  
4151 horticultural purposes;

4152 (2) Heating boilers or pressure vessels which are located in private residences or in  
4153 apartment houses of less than six family units;

4154 (3) Any pressure vessel used as an external part of an electrical circuit breaker or  
4155 transformer;

4156 (4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than  
4157 ten buildings intended for human occupancy per 0.25 square mile and where the closest  
4158 building is at least 220 yards from any vessel;

4159 (5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the  
4160 state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas,  
4161 2,000 gallons or above, which have been modified or altered; and

4162 (6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig  
4163 pressure.

4164 25-15-17.

4165 (a) The ~~Commissioner~~ commissioner may appoint to be chief inspector a citizen of this  
 4166 state or, if not available, a citizen of another state, who shall have had at the time of such  
 4167 appointment not less than five years' experience in the construction, installation, inspection,  
 4168 operation, maintenance, or repair of high pressure boilers and pressure vessels as a  
 4169 mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who  
 4170 shall have passed the same kind of examination as that prescribed under Code Section  
 4171 25-15-20. Such chief inspector may be removed for cause after due investigation by the  
 4172 ~~Commissioner~~ commissioner.

4173 (b) The chief inspector, if authorized by the ~~Commissioner~~ commissioner, is charged,  
 4174 directed, and empowered:

4175 (1) To take action necessary for the enforcement of the laws of this state governing the  
 4176 use of boilers and pressure vessels to which this article applies and of the rules and  
 4177 regulations of the ~~office~~ division;

4178 (2) To keep a complete record of the name of each owner or user and his or her location  
 4179 and, except for pressure vessels covered by an owner or user inspection service, the type,  
 4180 dimensions, maximum allowable working pressure, age, and the last recorded inspection  
 4181 of all boilers and pressure vessels to which this article applies;

4182 (3) To publish in print or electronically and make available to anyone requesting them  
 4183 copies of the rules and regulations promulgated by the ~~office~~ division;

4184 (4) To issue or to suspend or revoke for cause inspection certificates as provided for in  
 4185 Code Section 25-15-24; and

4186 (5) To cause the prosecution of all violators of the provisions of this article.

4187 25-15-18.

4188 The ~~Commissioner~~ commissioner may employ deputy inspectors who shall be responsible  
 4189 to the chief inspector and who shall have had at the time of appointment not less than three  
 4190 years' experience in the construction, installation, inspection, operation, maintenance, or  
 4191 repair of high pressure boilers and pressure vessels as a mechanical engineer, steam  
 4192 operating engineer, boilermaker, or boiler inspector and who shall have passed the  
 4193 examination provided for in Code Section 25-15-20.

4194 25-15-19.

4195 (a) In addition to the deputy inspectors authorized by Code Section 25-15-18 the  
 4196 ~~Commissioner~~ commissioner shall, upon the request of any company licensed to insure and  
 4197 insuring in this state boilers and pressure vessels or upon the request of any company  
 4198 operating pressure vessels in this state for which the owner or user maintains a regularly

4199 established inspection service which is under the supervision of one or more technically  
4200 competent individuals whose qualifications are satisfactory to the ~~office~~ division and  
4201 causes such pressure vessels to be regularly inspected and rated by such inspection service  
4202 in accordance with applicable provisions of the rules and regulations adopted by the ~~office~~  
4203 division pursuant to Code Section 25-15-13, issue to any inspectors of such insurance  
4204 company certificates of competency as special inspectors and to any inspectors of such  
4205 company operating pressure vessels certificates of competency as owner or user inspectors,  
4206 provided that each such inspector before receiving his or her certificate of competency shall  
4207 satisfactorily pass the examination provided for by Code Section 25-15-20 or, in lieu of  
4208 such examination, shall hold a commission or a certificate of competency as an inspector  
4209 of boilers or pressure vessels for a state that has a standard of examination substantially  
4210 equal to that of this state or a commission as an inspector of boilers and pressure vessels  
4211 issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of  
4212 competency as an owner or user inspector shall be issued to an inspector of a company  
4213 operating pressure vessels in this state only if, in addition to meeting the requirements  
4214 stated in this Code section, the inspector is employed full time by the company and is  
4215 responsible for making inspections of pressure vessels used or to be used by such company  
4216 and which are not for resale.

4217 (b) Such special inspectors or owner or user inspectors shall receive no salary from nor  
4218 shall any of their expenses be paid by the state, and the continuance of their certificates of  
4219 competency shall be conditioned upon their continuing in the employ of the boiler  
4220 insurance company duly authorized or in the employ of the company so operating pressure  
4221 vessels in this state and upon their maintenance of the standards imposed by this article.

4222 (c) Such special inspectors or owner or user inspectors may inspect all boilers and pressure  
4223 vessels insured or all pressure vessels operated by their respective companies; and, when  
4224 so inspected, the owners and users of such boilers and pressure vessels shall be exempt  
4225 from the payment to the state of the inspection fees as prescribed in rules and regulations  
4226 promulgated by the ~~Commissioner~~ commissioner.

4227 25-15-20.

4228 The examination for chief, deputy, special, or owner or user inspectors shall be in writing  
4229 and shall be held by the ~~office~~ division or by an examining board appointed in accordance  
4230 with the requirements of the National Board of Boiler and Pressure Vessel Inspectors, with  
4231 at least two members present at all times during the examination. Such examination shall  
4232 be confined to questions the answers to which will aid in determining the fitness and  
4233 competency of the applicant for the intended service and may be those prepared by the  
4234 National Board of Boiler and Pressure Vessel Inspectors. In case an applicant fails to pass

4235 the examination, he or she may appeal to the ~~office~~ division for another examination which  
4236 shall be given by the ~~office~~ division or the appointed examining board after 90 days. The  
4237 record of an applicant's examination shall be accessible to the applicant and his or her  
4238 employer.

4239 25-15-21.

4240 (a) An inspector's certificate of competency may be suspended by the ~~Commissioner~~  
4241 commissioner after due investigation for the incompetence or untrustworthiness of the  
4242 holder thereof or for willful falsification of any matter or statement contained in his or her  
4243 application or in a report of any inspection made by him or her. Written notice of any such  
4244 suspension shall be given by the ~~Commissioner~~ commissioner within not more than ten  
4245 days thereof to the inspector and his or her employer. A person whose certificate of  
4246 competency has been suspended shall be entitled to an appeal as provided in Code Section  
4247 25-15-28 and to be present in person and to be represented by counsel at the hearing of the  
4248 appeal.

4249 (b) If the ~~office~~ division has reason to believe that an inspector is no longer qualified to  
4250 hold his or her certificate of competency, the ~~office~~ division shall provide written notice  
4251 to the inspector and his or her employer of the ~~office's~~ division's determination and the  
4252 right to an appeal as provided in Code Section 25-15-28. If, as a result of such hearing, the  
4253 inspector has been determined to be no longer qualified to hold his or her certificate of  
4254 competency, the ~~Commissioner~~ commissioner shall thereupon revoke such certificate of  
4255 competency forthwith.

4256 (c) A person whose certificate of competency has been suspended shall be entitled to  
4257 apply, after 90 days from the date of such suspension, for reinstatement of such certificate  
4258 of competency.

4259 25-15-22.

4260 If a certificate of competency is lost or destroyed, a new certificate of competency shall be  
4261 issued in its place without another examination.

4262 25-15-23.

4263 (a) The ~~Commissioner~~ commissioner, the chief inspector, or any deputy inspector shall  
4264 have free access, during reasonable hours, to any premises in this state where a boiler or  
4265 pressure vessel is being constructed for use in, or is being installed in, this state for the  
4266 purpose of ascertaining whether such boiler or pressure vessel is being constructed and  
4267 installed in accordance with the provisions of this article.

4268 (b)(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to  
4269 be used within this state, except for pressure vessels covered by an owner or user  
4270 inspection service as described in subsection (d) of this Code section or except for boilers  
4271 or pressure vessels exempt under Code Section 25-15-16 (owners and users may request  
4272 to waive this exemption), shall be thoroughly inspected as to their construction,  
4273 installation, and condition as follows:

4274 (A) Power boilers and high pressure, high temperature water boilers shall receive a  
4275 certificate inspection annually which shall be an internal inspection where construction  
4276 permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall  
4277 also be externally inspected while under pressure, if possible;

4278 (B) Low pressure steam or vapor heating boilers shall receive a certificate inspection  
4279 biennially with an internal inspection every four years where construction permits;

4280 (C) Hot water heating and hot water supply boilers shall receive a certificate inspection  
4281 biennially with an internal inspection at the discretion of the inspector;

4282 (D) Pressure vessels subject to internal corrosion shall receive a certificate inspection  
4283 triennially with an internal inspection at the discretion of the inspector. Pressure  
4284 vessels not subject to internal corrosion shall receive a certificate of inspection at  
4285 intervals set by the ~~office~~ division; and

4286 (E) Nuclear vessels within the scope of this article shall be inspected and reported in  
4287 such form and with such appropriate information as the ~~office~~ division shall designate.

4288 (2) A grace period of two months beyond the periods specified in subparagraphs (A)  
4289 through (D) of this paragraph may elapse between certificate inspections.

4290 (3) The ~~office~~ division may provide for longer periods between certificate inspection in  
4291 its rules and regulations.

4292 (4) Under the provisions of this article, the ~~office~~ division is responsible for providing  
4293 for the safety of life, limb, and property and therefore has jurisdiction over the  
4294 interpretation and application of the inspection requirements as provided for in the rules  
4295 and regulations which it has promulgated. The person conducting the inspection during  
4296 construction and installation shall certify as to the minimum requirements for safety as  
4297 defined in the ASME Code. Inspection requirements of operating equipment shall be in  
4298 accordance with generally accepted practice and compatible with the actual service  
4299 conditions, such as:

4300 (A) Previous experience, based on records of inspection, performance, and  
4301 maintenance;

4302 (B) Location, with respect to personnel hazard;

4303 (C) Quality of inspection and operating personnel;

4304 (D) Provision for related safe operation controls; and

- 4305 (E) Interrelation with other operations outside the scope of this article.  
 4306 Based upon documentation of such actual service conditions by the owner or user of the  
 4307 operating equipment, the ~~office~~ division may, in its discretion, permit variations in the  
 4308 inspection requirements.
- 4309 (c) The inspections required in this article shall be made by the chief inspector, by a  
 4310 deputy inspector, by a special inspector, or by an owner or user inspector provided for in  
 4311 this article.
- 4312 (d) Owner or user inspection of pressure vessels is permitted, provided that the owner or  
 4313 user inspection service is regularly established and is under the supervision of one or more  
 4314 individuals whose qualifications are satisfactory to the ~~office~~ division and said owner or  
 4315 user causes the pressure vessels to be inspected in conformance with the National Board  
 4316 Inspection Code or API 510, as applicable.
- 4317 (e) If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it  
 4318 shall be made by the owner or user of the boiler or pressure vessel.
- 4319 (f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed  
 4320 in this state after the 12 month period from the date upon which the rules and regulations  
 4321 of the ~~office~~ division shall become effective shall be inspected during construction as  
 4322 required by the applicable rules and regulations of the ~~office~~ division by an inspector  
 4323 authorized to inspect boilers and pressure vessels in this state or, if constructed outside of  
 4324 the state, by an inspector holding a commission issued by the National Board of Boiler and  
 4325 Pressure Vessel Inspectors.
- 4326 25-15-24.
- 4327 (a) Each company employing special inspectors shall, within 30 days following each  
 4328 certificate inspection made by such inspectors, file a report of such inspection with the  
 4329 chief inspector upon appropriate forms as promulgated by the ~~Commissioner~~  
 4330 commissioner. The filing of reports of external inspections, other than certificate  
 4331 inspections, shall not be required except when such inspections disclose that the boiler or  
 4332 pressure vessel is in a dangerous condition.
- 4333 (b) Each company operating pressure vessels covered by an owner or user inspection  
 4334 service meeting the requirements of subsection (a) of Code Section 25-15-19 shall maintain  
 4335 in its files an inspection record which shall list, by number and such abbreviated  
 4336 description as may be necessary for identification, each pressure vessel covered by this  
 4337 article, the date of the last inspection of each pressure vessel, and the approximate date for  
 4338 the next inspection. The inspection record shall be available for examination by the chief  
 4339 inspector or the chief inspector's authorized representative during business hours.

4340 (c) If the report filed pursuant to subsection (a) of this Code section shows that a boiler or  
4341 pressure vessel is found to comply with the rules and regulations of the ~~office~~ division, the  
4342 chief inspector, or his or her duly authorized representative, shall issue to such owner or  
4343 user an inspection certificate bearing the date of inspection and specifying the maximum  
4344 pressure under which the boiler or pressure vessel may be operated. Such inspection  
4345 certificate shall be valid for not more than 14 months from its date in the case of power  
4346 boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in  
4347 the case of pressure vessels. In the case of those boilers and pressure vessels covered by  
4348 subparagraphs (b)(1)(A) through (b)(1)(D) of Code Section 25-15-23 for which the ~~office~~  
4349 division has established or extended the operating period between required inspections  
4350 pursuant to the provisions of paragraphs (3) and (4) of subsection (b) of Code Section  
4351 25-15-23, the certificate shall be valid for a period of not more than two months beyond  
4352 the period set by the ~~office~~ division. Certificates for boilers shall be posted under glass, or  
4353 similarly protected, in the room containing the boiler. Pressure vessel certificates shall be  
4354 posted in like manner, if convenient, or filed where they will be readily accessible for  
4355 examination.

4356 (d) No inspection certificate issued for an insured boiler or pressure vessel based upon a  
4357 report of a special inspector shall be valid after the boiler or pressure vessel for which it  
4358 was issued shall cease to be insured by a company duly authorized by this state to provide  
4359 such insurance.

4360 (e) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
4361 representative may at any time suspend an inspection certificate after showing cause that  
4362 the boiler or pressure vessel for which it was issued cannot be operated without menace to  
4363 the public safety or when the boiler or pressure vessel is found not to comply with the rules  
4364 and regulations adopted pursuant to this article. Each suspension of an inspection  
4365 certificate shall continue in effect until such boiler or pressure vessel shall have been made  
4366 to conform to the rules and regulations of the ~~office~~ division and until such inspection  
4367 certificate shall have been reinstated.

4368 (f) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
4369 representative may issue a written order for the temporary cessation of operation of a boiler  
4370 or pressure vessel if it has been determined after inspection to be hazardous or unsafe.  
4371 Operations shall not resume until such conditions are corrected to the satisfaction of the  
4372 ~~Commissioner~~ commissioner or his or her authorized representative.

4373 25-15-25.

4374 (a) Boilers and pressure vessels, subject to operating certificate inspections by special,  
4375 owner, or user inspectors, shall be inspected within 60 calendar days following the required

4376 reinspection date. Inspections not performed within this 60 calendar day period shall result  
4377 in a civil penalty of \$500.00 for each boiler or pressure vessel not inspected.

4378 (b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the  
4379 chief or deputy inspectors or operating certificate fees due from inspections performed  
4380 by special, or owner or user, inspectors shall be paid within 60 calendar days of  
4381 completion of such inspections.

4382 (2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear  
4383 interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall  
4384 continue to accrue until all amounts due, including interest, are received by the  
4385 ~~Commissioner~~ commissioner.

4386 (c) The ~~Commissioner~~ commissioner may waive the collection of the penalties and interest  
4387 assessed as provided in subsections (a) and (b) of this Code section when it is reasonably  
4388 determined that the delays in inspection or payment were unavoidable or due to the action  
4389 or inaction of the ~~office~~ division.

4390 25-15-26.

4391 It shall be unlawful for any person, firm, partnership, or corporation to operate in this state  
4392 a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection  
4393 service as provided for in Code Section 25-15-24, without a valid inspection certificate.  
4394 The operation of a boiler or pressure vessel without such inspection certificate or at a  
4395 pressure exceeding that specified in such inspection certificate or in violation of this article  
4396 shall constitute a misdemeanor.

4397 25-15-27.

4398 The owner or user of a boiler or pressure vessel required by this article to be inspected by  
4399 the chief inspector or a deputy inspector shall pay directly to the chief inspector, upon  
4400 completion of inspection, fees as prescribed in rules and regulations promulgated by the  
4401 ~~Commissioner~~ commissioner; provided, however, that, with respect to pressure vessel  
4402 certificates of inspection, such fees shall not exceed \$10.00 per annum. The chief inspector  
4403 shall transfer all fees so received to the general fund of the state treasury. All funds so  
4404 deposited in the state treasury are authorized to be appropriated by the General Assembly  
4405 to the ~~Safety Fire Commissioner~~ commissioner.

4406 25-15-28.

4407 (a) Any person aggrieved by an order or an act of the ~~Commissioner~~ commissioner or the  
4408 chief inspector under this article may, within 15 days of notice thereof, request a hearing

4409 before an administrative law judge of the Office of State Administrative Hearings, as  
4410 provided by Code Section 50-13-41.

4411 (b) Any person aggrieved by a decision of an administrative law judge may file an appeal  
4412 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

4413 25-15-29.

4414 No county, municipality, or other political subdivision shall have the power to make any  
4415 laws, ordinances, or resolutions providing for the construction, installation, inspection,  
4416 maintenance, and repair of boilers and pressure vessels within the limits of such county,  
4417 municipality, or other political subdivision; and any such laws, ordinances, or resolutions  
4418 shall be void and of no effect.

4419 25-15-30.

4420 Neither this article nor any provision of this article shall be construed to place any liability  
4421 on the State of Georgia, the ~~office~~ division, or the ~~Commissioner~~ commissioner with  
4422 respect to any claim by any person, firm, or corporation relating in any way whatsoever to  
4423 boilers and pressure vessels and any injury or damages arising therefrom.

4424 ARTICLE 3

4425 25-15-50.

4426 This article shall be known and may be cited as the 'Amusement Ride Safety Act.'

4427 25-15-51.

4428 As used in this article, the term:

4429 (1) 'Amusement ride' means any mechanical device, other than those regulated by the  
4430 Consumer Products Safety Commission, which carries or conveys passengers along,  
4431 around, or over a fixed or restricted route or course or within a defined area for the  
4432 purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term  
4433 shall not include any such device which is not permanently fixed to a site.

4434 (2) 'Authorized person' means a competent person experienced and instructed in the work  
4435 to be performed who has been given the responsibility to perform his or her duty by the  
4436 owner or his or her representative.

4437 (3) 'Certificate fee' means the fee charged by the ~~office~~ division for a certificate to  
4438 operate an amusement ride.

4439 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that an  
 4440 amusement ride meets all relevant provisions of this article and the standards and  
 4441 regulations adopted pursuant thereto.

4442 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4443 (6) 'Division' means the Division of Fire Safety within the Georgia Public Safety  
 4444 Training Center.

4445 ~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person  
 4446 who is found by the ~~office~~ division to possess the requisite training and experience to  
 4447 perform competently the inspections required by this article and who is licensed by the  
 4448 ~~office~~ division to perform inspections of amusement rides.

4449 ~~(7)~~(8) 'Operator' means a person or persons actually engaged in or directly controlling  
 4450 the operation of an amusement ride.

4451 ~~(8)~~ 'Office' means the ~~office of Safety Fire Commissioner, which is designated to enforce~~  
 4452 ~~the provisions of this article and to formulate and enforce standards and regulations.~~

4453 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns an  
 4454 amusement ride or, in the event that the amusement ride is leased, the lessee.

4455 (10) 'Permit' means a permit to operate an amusement ride issued to an owner by the  
 4456 ~~office~~ division.

4457 (11) 'Permit fee' means the fee charged by the ~~office~~ division for a permit to operate an  
 4458 amusement ride.

4459 (12) 'Standards and regulations' means those standards and regulations formulated and  
 4460 enforced by the ~~office~~ division.

4461 25-15-52.

4462 The ~~Commissioner~~ commissioner shall be authorized to consult with persons  
 4463 knowledgeable in the area of the amusement ride industry and to create committees  
 4464 composed of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his  
 4465 or her duties under this article.

4466 25-15-53.

4467 (a) The ~~office~~ division shall formulate standards and regulations, or changes to such  
 4468 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,  
 4469 operation, and inspection of all amusement rides. The standards and regulations shall be  
 4470 reasonable and based upon generally accepted engineering standards, formulas, and  
 4471 practices pertinent to the industry. Formulation and promulgation of such standards and  
 4472 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative  
 4473 Procedure Act.' It is recognized that risks presented to the general public by amusement

4474 rides which are frequently assembled and disassembled are different from those presented  
4475 by amusement rides which are not frequently assembled and disassembled. Accordingly,  
4476 the office division is authorized to formulate different standards and regulations with  
4477 regard to such differing classes of amusement rides.

4478 (b) The office division shall:

4479 (1) Enforce all standards and regulations;

4480 (2) License inspectors for authorization to inspect amusement rides;

4481 (3) Issue permits upon compliance with this article and such standards and regulations  
4482 adopted pursuant to this article; and

4483 (4) Establish a fee schedule for the issuance of permits for amusement rides.

4484 25-15-54.

4485 The office division may license such private inspectors as may be necessary to carry out  
4486 the provisions of this article.

4487 25-15-55.

4488 (a) No amusement ride shall be operated, except for purposes of testing and inspection,  
4489 until a permit for its operation has been issued by the office division. The owner of an  
4490 amusement ride shall apply for a permit to the office division on a form furnished by the  
4491 office division providing such information as the office division may require.

4492 (b) No such application shall be complete without including a certificate of inspection  
4493 from a licensed inspector that the amusement ride meets all relevant provisions of this  
4494 article and the standards and regulations adopted pursuant thereto. The cost of obtaining  
4495 the certificate of inspection from a licensed inspector shall be borne by the owner or  
4496 operator.

4497 25-15-56.

4498 (a) All amusement rides shall be inspected annually, and may be inspected more  
4499 frequently, by a licensed inspector at the owner's or operator's expense. If the amusement  
4500 ride meets all relevant provisions of this article and the standards and regulations adopted  
4501 pursuant to this article, the licensed inspector shall provide to the owner or operator a  
4502 certificate of inspection. All new amusement rides shall be inspected before commencing  
4503 public operation.

4504 (b) Amusement rides and attractions may be required to be inspected by an authorized  
4505 person each time they are assembled or disassembled in accordance with regulations and  
4506 standards established under this article.

4507 25-15-57.

4508 The ~~office~~ division may waive the requirement of subsection (a) of Code Section 25-15-56  
4509 if the owner of an amusement ride gives satisfactory proof to the ~~office~~ division that the  
4510 amusement ride has passed an inspection conducted by a federal agency or by another state  
4511 whose standards and regulations for the inspection of such an amusement ride are at least  
4512 as stringent as those adopted pursuant to this article.

4513 25-15-58.

4514 The ~~office~~ division shall issue a permit to operate an amusement ride to the owner thereof  
4515 upon successful completion of a safety inspection of the amusement ride conducted by a  
4516 licensed inspector and upon receiving an application for permit with a certificate of  
4517 insurance. The permit shall be valid for the calendar year in which issued.

4518 25-15-59.

4519 The owner shall maintain up-to-date maintenance, inspection, and repair records between  
4520 inspection periods for each amusement ride in accordance with such standards and  
4521 regulations as are adopted pursuant to this article. Such records shall contain a copy of all  
4522 inspection reports commencing with the last annual inspection, a description of all  
4523 maintenance performed, and a description of any mechanical or structural failures or  
4524 operational breakdowns and the types of actions taken to rectify these conditions.

4525 25-15-60.

4526 No person shall be permitted to operate an amusement ride unless he or she is at least 16  
4527 years of age. An operator shall be in attendance at all times that an amusement ride is in  
4528 operation and shall operate no more than one amusement ride at any given time.

4529 25-15-61.

4530 The owner of the amusement ride shall report to the ~~office~~ division any accident resulting  
4531 in a fatality or an injury requiring immediate inpatient overnight hospitalization incurred  
4532 during the operation of any amusement ride. The report shall be in writing, shall describe  
4533 the nature of the occurrence and injury, and shall be mailed by first-class mail no later than  
4534 the close of the next business day following the accident. Accidents resulting in a fatality  
4535 shall also be reported immediately to the ~~office~~ division in person or by phone in  
4536 accordance with regulations adopted by the ~~office~~ division.

4537 25-15-62.

4538 (a) No person shall operate an amusement ride unless at the time there is in existence:

4539 (1) A policy of insurance in an appropriate amount determined by regulation insuring the  
 4540 owner and operator (if an independent contractor) against liability for injury to persons  
 4541 arising out of the operation of the amusement ride;

4542 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety  
 4543 under such bond shall not exceed the face amount thereof; or

4544 (3) Cash or other security acceptable to the ~~office~~ division.

4545 (b) Regulations under this article shall permit appropriate deductibles or self-insured  
 4546 retention amounts to such policies of insurance. The policy or bond shall be procured from  
 4547 one or more insurers or sureties acceptable to the ~~office~~ division.

4548 25-15-63.

4549 If any person would incur practical difficulties or unnecessary hardships in complying with  
 4550 the standards and regulations adopted pursuant to this article, or if any person is aggrieved  
 4551 by any order issued by the ~~office~~ division, the person may make a written application to the  
 4552 ~~office~~ division stating his or her grounds and applying for a variance. The ~~office~~ division  
 4553 may grant such a variance in the spirit of the provisions of this article with due regard to  
 4554 public safety. The granting or denial of a variance by the ~~office~~ division shall be in writing  
 4555 and shall describe the conditions under which the variance is granted or the reasons for  
 4556 denial. A record shall be kept of all variances granted by the ~~office~~ division and such  
 4557 record shall be open to inspection by the public.

4558 25-15-64.

4559 This article shall not apply to any single-passenger coin operated amusement ride on a  
 4560 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle  
 4561 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

4562 25-15-65.

4563 This article shall not be construed so as to prevent the use of any existing amusement ride  
 4564 found to be in a safe condition and to be in conformance with the standards and regulations  
 4565 adopted pursuant to this article. Owners of amusement rides in operation on or before the  
 4566 effective date of this article shall comply with the provisions of this article and the  
 4567 standards and regulations adopted pursuant to this article within six months after the  
 4568 adoption of such standards and regulations.

4569 25-15-66.

4570 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
 4571 representative may issue a written order for the temporary cessation of operation of an

4572 amusement ride if it has been determined after inspection to be hazardous or unsafe.  
 4573 Operations shall not resume until such conditions are corrected to the satisfaction of the  
 4574 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
 4575 representative.

4576 (b) In the event that an owner or operator knowingly allows the operation of an amusement  
 4577 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the  
 4578 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court  
 4579 any action for an injunction or writ of mandamus upon the petition of the district attorney  
 4580 or Attorney General. An injunction, without bond, may be granted by the superior court  
 4581 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

4582 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article  
 4583 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate  
 4584 offense.

4585 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the  
 4586 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil  
 4587 penalties as prescribed in the rules and regulations of the ~~office~~ division in an amount not  
 4588 to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere  
 4589 to the requirements of this article and the rules and regulations promulgated under this  
 4590 article. The imposition of a penalty for a violation of this article or the rules and  
 4591 regulations promulgated under this article shall not excuse the violation or permit it to  
 4592 continue.

4593 25-15-67.

4594 The owner or operator of an amusement ride may deny entry to a person to an amusement  
 4595 ride if in the owner's or operator's opinion the entry may jeopardize the safety of such  
 4596 person or the safety of any other person. Nothing in this Code section shall permit an  
 4597 owner or operator to deny an inspector access to an amusement ride when such inspector  
 4598 is acting within the scope of his or her duties under this article.

4599 25-15-68.

4600 Neither this article nor any provision of this article shall be construed to place any liability  
 4601 on the State of Georgia, the ~~office~~ division, or the ~~Commissioner~~ commissioner with  
 4602 respect to any claim by any person, firm, or corporation relating in any way whatsoever to  
 4603 amusement rides and any injury or damages arising therefrom.

4604 25-15-69.

4605 No county, municipality, or other political subdivision shall have the power to pass  
 4606 ordinances, resolutions, or other requirements regulating the construction, installation,  
 4607 inspection, maintenance, repair, or operation of amusement rides within the limits of such  
 4608 county, municipality, or other political subdivision. Any such ordinances, resolutions, or  
 4609 other requirements shall be void and of no effect; provided, however, that the provisions  
 4610 of this Code section shall not apply to local zoning ordinances or ordinances regulating  
 4611 location, siting requirements, or other development standards or conditions relative to  
 4612 amusement rides or their time of operation or noise levels generated. Nothing in this article  
 4613 preempts the imposition of regulatory fees or occupation taxes imposed by counties and  
 4614 municipalities pursuant to Chapter 13 of Title 48.

4615 ARTICLE 4

4616 25-15-80.

4617 This article shall be known and may be cited as the 'Carnival Ride Safety Act.'

4618 25-15-81.

4619 As used in this article, the term:

4620 (1) 'Authorized person' means a competent person experienced and instructed in the work  
 4621 to be performed who has been given the responsibility to perform his or her duty by the  
 4622 owner or the owner's representative.

4623 (2) 'Carnival ride' means any mechanical device, other than amusement rides regulated  
 4624 under Article 3 of this chapter, known as the 'Amusement Ride Safety Act,' which carries  
 4625 or conveys passengers along, around, or over a fixed or restricted route or course or  
 4626 within a defined area for the purpose of giving its passengers amusement, pleasure,  
 4627 thrills, or excitement. Such term shall not include any such device which is permanently  
 4628 fixed to a site.

4629 (3) 'Certificate fee' means the fee charged by the ~~office~~ division for a certificate to  
 4630 operate a carnival ride.

4631 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that a  
 4632 carnival ride meets all relevant provisions of this article and the standards and regulations  
 4633 adopted pursuant thereto.

4634 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4635 (6) 'Division' means the Division of Fire Safety within the Georgia Public Safety  
 4636 Training Center.

4637 ~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person  
 4638 who is found by the ~~office~~ division to possess the requisite training and experience to  
 4639 perform competently the inspections required by this article and who is licensed by the  
 4640 ~~office~~ division to perform inspections of carnival rides.

4641 ~~(7) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce~~  
 4642 ~~the provisions of this article and to formulate and enforce standards and regulations.~~

4643 (8) 'Operator' means a person or persons actually engaged in or directly controlling the  
 4644 operation of a carnival ride.

4645 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns a  
 4646 carnival ride or, in the event that the carnival ride is leased, the lessee.

4647 (10) 'Permit' means a permit to operate a carnival ride issued to an owner by the ~~office~~  
 4648 division.

4649 (11) 'Permit fee' means the fee charged by the ~~office~~ division for a permit to operate a  
 4650 carnival ride.

4651 (12) 'Standards and regulations' means those standards and regulations formulated and  
 4652 enforced by the ~~office~~ division.

4653 25-15-82.

4654 The ~~Commissioner~~ commissioner shall be authorized to consult with persons  
 4655 knowledgeable in the area of the carnival ride industry and to create committees composed  
 4656 of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his or her  
 4657 duties under this article.

4658 25-15-83.

4659 (a) The ~~office~~ division shall formulate standards and regulations, or changes to such  
 4660 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,  
 4661 operation, and inspection of all carnival rides. The standards and regulations shall be  
 4662 reasonable and based upon generally accepted engineering standards, formulas, and  
 4663 practices pertinent to the industry. Formulation and promulgation of such standards and  
 4664 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative  
 4665 Procedure Act.'

4666 (b) The ~~office~~ division shall:

4667 (1) Enforce all standards and regulations;

4668 (2) License inspectors for authorization to inspect carnival rides; and

4669 (3) Issue permits upon compliance with this article and such standards and regulations  
 4670 adopted pursuant to this article.

4671 (c) The owner or operator of a carnival ride required to be inspected shall pay fees as  
 4672 prescribed in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The  
 4673 chief inspector shall transfer all fees so received to the general fund of the state treasury.  
 4674 All funds so deposited in the state treasury are authorized to be appropriated by the General  
 4675 Assembly to the ~~Safety Fire Commissioner~~ commissioner.

4676 25-15-84.

4677 The ~~office~~ division may license such private inspectors as may be necessary to carry out  
 4678 the provisions of this article.

4679 25-15-85.

4680 (a) No carnival ride shall be operated in any calendar year, except for purposes of testing  
 4681 and inspection, until a permit for its operation has been issued by the ~~office~~ division. The  
 4682 owner of a carnival ride shall apply for a permit to the ~~office~~ division on a form furnished  
 4683 by the ~~office~~ division, providing such information as the ~~office~~ division may require.

4684 (b) Beginning January 1, 2018, no permit for a carnival ride to operate in this state shall  
 4685 be issued by the ~~office~~ division until the carnival owner submits an engineering evaluation  
 4686 from a licensed engineer that evaluates the functionality of safety mechanisms and the  
 4687 condition of the critical components of the carnival ride. The scope of such engineering  
 4688 evaluation may be further prescribed by standards and regulations of the ~~office~~ division that  
 4689 are consistent with this subsection. Such evaluation shall be provided prior to the annual  
 4690 inspection required by Code Section 25-15-86 and use of the carnival ride by the general  
 4691 public. The submission of such evaluation shall only be required the first time the carnival  
 4692 owner applies for a permit for the carnival ride in this state on or after January 1, 2018.

4693 25-15-86.

4694 All carnival rides and attractions shall be inspected annually and may be inspected more  
 4695 frequently by a licensed inspector at the owner's or operator's expense. If the carnival ride  
 4696 meets all relevant provisions of this article and the standards and regulations adopted  
 4697 pursuant to this article, the licensed inspector shall provide to the owner or operator a  
 4698 certificate of inspection. All new carnival rides shall be inspected before commencing  
 4699 public operation.

4700 25-15-87.

4701 The ~~office~~ division may waive the requirement of Code Section 25-15-86 if the owner of  
 4702 a carnival ride gives satisfactory proof to the ~~office~~ division that the carnival ride has  
 4703 passed an inspection conducted by a federal agency or by another state whose standards

4704 and regulations for the inspection of such a carnival ride are at least as stringent as those  
4705 adopted pursuant to this article.

4706 25-15-88.

4707 The ~~office~~ division shall issue a permit to operate a carnival ride to the owner thereof upon  
4708 successful completion of a safety inspection by a licensed inspector, upon completion by  
4709 the owner of the application for a permit, and upon presentation of a certificate of  
4710 inspection or waiver thereof by the ~~office~~ division. The permit shall be valid for the  
4711 calendar year in which issued.

4712 25-15-89.

4713 The owner shall maintain up-to-date maintenance, inspection, and repair records between  
4714 inspection periods for each carnival ride in accordance with such standards and regulations  
4715 as are adopted pursuant to this article. Such records shall contain a copy of all inspection  
4716 reports commencing with the last annual inspection, a description of all maintenance  
4717 performed, and a description of any mechanical or structural failures or operational  
4718 breakdowns and the types of actions taken to rectify these conditions.

4719 25-15-90.

4720 (a) No person shall be permitted to operate a carnival ride unless he or she is at least 16  
4721 years of age. An operator shall be in attendance at all times that a carnival ride is in  
4722 operation and shall operate no more than one carnival ride at any given time.

4723 (b) No carnival ride shall be operated at standards below those recommended by the  
4724 manufacturer of such carnival ride or below the standards adopted or variants approved by  
4725 the ~~office~~ division, whichever is greater.

4726 25-15-91.

4727 The owner of the carnival ride shall report to the ~~office~~ division any accident incurred  
4728 during the operation of any carnival ride resulting in a fatality or an injury requiring  
4729 medical attention from a licensed medical facility. The report shall be in writing, shall  
4730 describe the nature of the occurrence and injury, and shall be delivered in person or mailed  
4731 by first-class mail no later than the close of the next business day following the accident.  
4732 Accidents resulting in a fatality shall also be reported immediately to the ~~office~~ division  
4733 in person or by phone in accordance with regulations adopted by the ~~office~~ division.

4734 25-15-92.

4735 (a) No person shall operate a carnival ride unless at the time there is in existence:

4736 (1) A policy of insurance in an amount not less than \$1 million (if an independent  
4737 contractor) against liability for injury to persons arising out of the operation of the  
4738 carnival ride;

4739 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety  
4740 under such bond shall not exceed the face amount thereof; or

4741 (3) Cash or other security acceptable to the ~~office~~ division.

4742 (b) Regulations under this article shall permit appropriate deductibles or self-insured  
4743 retention amounts to such policies of insurance. The policy or bond shall be procured from  
4744 one or more insurers or sureties acceptable to the ~~office~~ division.

4745 25-15-93.

4746 If any person would incur practical difficulties or unnecessary hardships in complying with  
4747 the standards and regulations adopted pursuant to this article, or if any person is aggrieved  
4748 by any order issued by the ~~office~~ division, the person may make a written application to the  
4749 ~~office~~ division stating his or her grounds and applying for a variance. The ~~office~~ division  
4750 may grant such a variance in the spirit of the provisions of this article with due regard to  
4751 public safety. The granting or denial of a variance by the ~~office~~ division shall be in writing  
4752 and shall describe the conditions under which the variance is granted or the reasons for  
4753 denial. A record shall be kept of all variances granted by the ~~office~~ division and such  
4754 record shall be open to inspection by the public.

4755 25-15-94.

4756 This article shall not apply to any single-passenger coin operated carnival ride on a  
4757 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle  
4758 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

4759 25-15-95.

4760 This article shall not be construed so as to prevent the use of any existing carnival ride  
4761 found to be in a safe condition and to be in conformance with the standards and regulations  
4762 adopted pursuant to this article.

4763 25-15-96.

4764 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
4765 representative may issue a written order for the temporary cessation of operation of a  
4766 carnival ride if it has been determined after inspection to be hazardous or unsafe.  
4767 Operations shall not resume until such conditions are corrected to the satisfaction of the

4768 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized  
4769 representative.

4770 (b) In the event that an owner or operator knowingly allows the operations of a carnival  
4771 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the  
4772 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court  
4773 any action for an injunction or writ of mandamus upon the petition of the district attorney  
4774 or Attorney General. An injunction, without bond, may be granted by the superior court  
4775 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

4776 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article  
4777 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate  
4778 offense.

4779 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the  
4780 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil  
4781 penalties as prescribed in the rules and regulations of the ~~office~~ division in an amount not  
4782 to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere  
4783 to the requirements of this article and the rules and regulations promulgated under this  
4784 article. The imposition of a penalty for a violation of this article or the rules and  
4785 regulations promulgated under this article shall not excuse the violation or permit it to  
4786 continue.

4787 25-15-97.

4788 The owner or operator of a carnival ride may deny entry to a person to a carnival ride if in  
4789 the owner's or operator's opinion the entry may jeopardize the safety of such person or the  
4790 safety of any other person. Nothing in this Code section shall permit an owner or operator  
4791 to deny an inspector access to a carnival ride when such inspector is acting within the scope  
4792 of his or her duties under this article.

4793 25-15-98.

4794 (a) The owner or operator of a carnival ride shall post a clearly visible sign at the location  
4795 of each ride and at the location of ~~tickets~~ ticket sales for each ride which states any age,  
4796 weight, or height requirements of the ride which are necessary as a safeguard against  
4797 injury.

4798 (b) It shall be unlawful for any owner or operator to permit entry to a carnival ride to any  
4799 person who does not meet the posted age, size, and weight requirements for such ride.

4800 25-15-99.

4801 The owner of any itinerant carnival ride which is located within this state shall  
 4802 continuously maintain in this state a registered agent of record who may be an individual  
 4803 who resides in the state and whose business address is identical with the address of the  
 4804 owner's required office.

4805 25-15-100.

4806 Neither this article nor any provision of this article shall be construed to place any liability  
 4807 on the State of Georgia, the ~~office~~ division, or the ~~Commissioner~~ commissioner with  
 4808 respect to any claim by any person, firm, or corporation relating in any way whatsoever to  
 4809 carnival rides and any injury or damages arising therefrom.

4810 25-15-101.

4811 No county, municipality, or other political subdivision shall have the power to pass  
 4812 ordinances, resolutions, or other requirements regulating the construction, installation,  
 4813 inspection, maintenance, repair, or operation of carnival rides within the limits of such  
 4814 county, municipality, or other political subdivision. Any such ordinances, resolutions, or  
 4815 other requirements shall be void and of no effect; provided, however, that the provisions  
 4816 of this Code section shall not apply to local zoning ordinances or ordinances regulating  
 4817 location, siting requirements, or other development standards or conditions relative to  
 4818 carnival rides or their time of operation or noise levels generated. Nothing in this article  
 4819 preempts the imposition of regulatory fees or occupation taxes imposed by counties and  
 4820 municipalities pursuant to Chapter 13 of Title 48.

4821 **ARTICLE 5**

4822 25-15-110.

4823 (a)(1) All scaffolding or staging that is swung or suspended from an overhead support  
 4824 or erected with stationary supports and is suspended or rises 30 feet or more above the  
 4825 ground shall have a safety rail properly attached, bolted, braced, and otherwise secured;  
 4826 and the safety rail shall rise at least 34 inches above the floor or main portions of such  
 4827 scaffolding or staging and extend for the full length of such staging and along the ends  
 4828 thereof with only such openings as may be necessary for the delivery of materials being  
 4829 used on such scaffold or staging. Such scaffolding or staging shall also be so fastened  
 4830 as to prevent it from swaying from the building or structure. However, this paragraph  
 4831 shall not apply to any scaffolding or staging which is wholly within the interior of a  
 4832 building or other structure and which covers the entire floor space therein.

4833 (2) It shall be unlawful for any person to employ or direct others to perform labor of any  
 4834 kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building  
 4835 or other structure without first having furnished proper protection to such person so  
 4836 employed or directed, as provided in paragraph (1) of this subsection.

4837 (b) All scaffolding or staging shall be so constructed that it will bear at least four times the  
 4838 weight required to be hanging therefrom or placed thereon when in use.

4839 (c)(1) ~~The Safety Fire Commissioner~~ commissioner of fire safety, upon receipt of any  
 4840 complaint, shall make or cause to be made an immediate inspection of the scaffold, or  
 4841 mechanical device connected therewith, concerning which complaint has been made.

4842 (2) ~~The Commissioner~~ commissioner of fire safety shall attach to every scaffold, staging,  
 4843 mechanism, or mechanical device inspected by him or her a certificate bearing the  
 4844 ~~Commissioner's~~ commissioner of fire safety's name and the date of inspection, and the  
 4845 certificate shall plainly state whether he or she has found the scaffolding, staging, or  
 4846 mechanical device 'safe' or 'unsafe.'

4847 (3) If the ~~Commissioner~~ commissioner of fire safety finds any scaffolding, staging, or  
 4848 mechanical device complained of to be unsafe, the ~~Commissioner~~ commissioner of fire  
 4849 safety shall at once notify in writing the person responsible for the erection and  
 4850 maintenance of the scaffolding, staging, or mechanical device that the ~~Commissioner~~  
 4851 commissioner of fire safety has found it to be unsafe. Such notice may be served  
 4852 personally upon the person responsible under the law or may be perfected by affixing  
 4853 such notice in a conspicuous place on the scaffold, staging, or mechanical device found  
 4854 unsafe. The manner of service shall be within the discretion of the ~~Commissioner~~  
 4855 commissioner of fire safety. The ~~Commissioner~~ commissioner of fire safety shall then  
 4856 prohibit the use of such scaffolding, staging, or mechanical device by any person until all  
 4857 danger has been removed or until it has been made to comply with the terms of this Code  
 4858 section by alteration, reconstruction, demolition, or replacement, as the ~~Commissioner~~  
 4859 commissioner of fire safety may direct.

4860 (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold,  
 4861 staging, or other mechanical device in violation of any provision of this Code section shall  
 4862 be guilty of a misdemeanor.

4863 ARTICLE 6

4864 25-15-120.

4865 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 4866 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 4867 administrative orders of the Safety Fire Commissioner under this chapter which are in

4868 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 4869 remain in effect until amended, repealed, superseded, or nullified by the commissioner of  
 4870 fire safety.

4871 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 4872 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 4873 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 4874 Training Center shall continue in effect until the same expire by their terms unless they are  
 4875 suspended, revoked, or otherwise made ineffective as provided by law.

4876 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 4877 Training Center shall carry out all of the functions and obligations and exercise all of the  
 4878 powers formerly held by the Safety Fire Commissioner under this chapter."

4879 **PART XIII**

4880 **SECTION 13-1.**

4881 Article 9 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the  
 4882 Georgia Information Sharing and Analysis Center, is amended by revising Code Section  
 4883 35-3-204, relating to membership and availability of analysts, as follows:

4884 "35-3-204.

4885 (a) Membership in the center shall consist of the director, the director of emergency  
 4886 management and homeland security, the commissioner of public safety, the commissioner  
 4887 of fire safety, the commissioner of natural resources, the commissioner of corrections, the  
 4888 state fire marshal, the Attorney General, the adjutant general, and ~~state and~~ local fire  
 4889 service, law enforcement, homeland security, emergency management, corrections, and  
 4890 other appropriate agencies and disciplines as determined by the director of emergency  
 4891 management and homeland security in consultation with the director. Such members shall  
 4892 assign or make available their analysts or other personnel to the center as such need is  
 4893 determined by the director of emergency management and homeland security.

4894 (b) The director of emergency management and homeland security shall maintain Georgia  
 4895 Emergency Management and Homeland Security Agency analysts in the center as needed  
 4896 as determined by the director of emergency management and homeland security."

4897

**PART XIV**

4898

**SECTION 14-1.**

4899 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability  
 4900 and effect of peace officer certification requirements generally and requirements as to exempt  
 4901 persons, is amended by revising subsection (b) as follows:

4902 "(b) Peace officers commencing any employment or service on any terms with the  
 4903 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,  
 4904 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco  
 4905 Tax Unit, the Secretary of State's investigative section, the ~~Office~~ office of the  
 4906 Commissioner of Insurance ~~and Safety Fire Commissioner~~, the Division of Fire Safety  
 4907 within the Georgia Public Safety Training Center, or a railroad after July 1, 1975, are  
 4908 required to comply with the certification provisions of this chapter. Peace officers  
 4909 commencing such employment or service prior to July 1, 1975, and whose employment  
 4910 continues on July 1, 1975, are exempt and excused from compliance with the certification  
 4911 provisions of this chapter except as provided in this Code section so long as the registration  
 4912 provided for in subsections (d) and (e) of this Code section remains in effect. Any peace  
 4913 officer otherwise exempt from the certification provisions of this chapter must meet the  
 4914 qualifications and requirements specified in paragraphs (2), (4), (5), and ~~(8)~~ (7) of  
 4915 subsection (a) of Code Section 35-8-8."

4916

**PART XV**

4917

**SECTION 15-1.**

4918 Chapter 25 of Title 43 of the Official Code of Georgia Annotated, relating to operators of  
 4919 motor vehicle racetracks, is amended as follows:

4920

**"CHAPTER 25**

4921 43-25-1.

4922 As used in this chapter, the term 'motor vehicle;' shall not be construed to include any  
 4923 motorcycle or other two-wheeled, self-propelled vehicle, nor shall it be construed to  
 4924 include any motor vehicle weighing less than 500 pounds.

4925 43-25-2.

4926 It shall be unlawful for any person, firm, or corporation to operate or conduct any motor  
 4927 vehicle race on any permanent racetrack or other place where such races are to be held

4928 unless there shall first be obtained a license to operate or conduct such races from the  
4929 ~~Safety Fire Commissioner~~ commissioner of fire safety.

4930 43-25-3.

4931 Application for a license to operate or conduct a racetrack or other place for the holding of  
4932 motor vehicle races or exhibitions shall be made in writing to the ~~Safety Fire~~  
4933 ~~Commissioner~~ commissioner of fire safety on a form prescribed by or furnished by the  
4934 ~~Safety Fire Commissioner~~ commissioner of fire safety. The application form shall require  
4935 a full and complete address of the track or other place desired to be licensed, the name and  
4936 address of the licensee, and the name and address of the promoter of such race or exhibition  
4937 and shall contain such further information as the ~~Safety Fire Commissioner~~ commissioner  
4938 of fire safety may require in order to comply with Code Section 43-25-4. Such application  
4939 shall be accompanied by a nonrefundable fee of \$150.00.

4940 43-25-4.

4941 No license for operating or conducting a motor vehicle racetrack shall be issued by the  
4942 ~~Safety Fire Commissioner~~ commissioner of fire safety until the applicant has complied  
4943 with the rules and regulations of the ~~Safety Fire Commissioner~~ commissioner of fire safety  
4944 pursuant to Code Section 43-25-8 and has a valid public liability insurance policy with  
4945 minimum limits of \$1 million per accident and \$100,000.00 per person per accident, or  
4946 \$1 million combined single limit, or in lieu thereof a valid public liability bond in like  
4947 amount. The policy or bond shall be designed to provide coverage for the protection of the  
4948 licensee from any legal liability arising out of bodily injury, including death, to any  
4949 member of the general public, resulting from any racing event. The insurance policy or  
4950 bond shall not be designed to provide coverage for bodily injuries or death of drivers of  
4951 motor vehicles which are engaged in any race, any pit area personnel, or any person who  
4952 is involved in the conduct of a race. The policy or bond shall be written by a company  
4953 which is licensed to do business in this state or which is considered to be acceptable by the  
4954 ~~Safety Fire Commissioner~~ commissioner of fire safety.

4955 43-25-5.

4956 No insurance policy or bond may be canceled for any reason unless and until the ~~Safety~~  
4957 ~~Fire Commissioner~~ commissioner of fire safety has received notice by certified or  
4958 registered letter, return receipt requested, that the policy or bond is going to be canceled  
4959 effective on a date at least 14 days from the date such notice is received by the ~~Safety Fire~~  
4960 ~~Commissioner~~ commissioner of fire safety.

4961 43-25-6.

4962 All licenses granted by the ~~Safety Fire Commissioner~~ commissioner of fire safety pursuant  
4963 to this chapter shall expire December 31 of each year.

4964 43-25-7.

4965 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized to suspend or  
4966 revoke the license of any person who operates or conducts motor vehicle races or  
4967 exhibitions without complying with this chapter.

4968 43-25-8.

4969 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized and directed to  
4970 create and promulgate rules and regulations which are to be designed to prevent injury and  
4971 loss of life to spectators while they are observing and viewing motor vehicles engaged in  
4972 contests of speed or endurance. Such rules and regulations shall provide for certificates of  
4973 occupancy; periodic inspections by fire inspectors and other experts; corrections of  
4974 deficiencies in racetrack facilities; standards for grandstands; guardrails; spectator areas;  
4975 nonspectator areas; flagmen; track surfaces; fences; ambulance service; access highways  
4976 or roads; fire extinguishers and other fire suppression equipment and personnel; plans for  
4977 fire evacuation; accident reporting; damage reporting; storage of flammable and  
4978 combustible liquids; restricted areas; concession areas; and such other areas of coverage  
4979 as, in the opinion of the ~~Safety Fire Commissioner~~ commissioner of fire safety, are deemed  
4980 necessary.

4981 43-25-9.

4982 The owner or lessee of any real property upon which exists a motor vehicle racetrack or  
4983 other place subject to this chapter shall inform the ~~Safety Fire Commissioner~~ commissioner  
4984 of fire safety within ten days of any damage caused to any guardrail, post, or other device  
4985 which has for its purpose the prevention of injury or loss of life to spectators at the  
4986 racetrack or other place. Until any such damage is repaired and the repairs are approved  
4987 by fire inspectors, there shall be no racing or endurance event permitted on such racetrack  
4988 or other place.

4989 43-25-10.

4990 Any person who violates any provision of this chapter shall be guilty of a misdemeanor of  
4991 a high and aggravated nature.

4992 43-25-11.

4993 (a) The Division of Fire Safety within the Georgia Public Safety Training Center shall  
 4994 succeed to all rules, regulations, policies, procedures, and pending and finalized  
 4995 administrative orders of the Safety Fire Commissioner under this chapter which are in  
 4996 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall  
 4997 remain in effect until amended, repealed, superseded, or nullified by the commissioner of  
 4998 fire safety.

4999 (b) All valid agreements, contracts, licenses, permits, certificates, and similar  
 5000 authorizations previously issued by the Safety Fire Commissioner with respect to any  
 5001 function transferred to the Division of Fire Safety within the Georgia Public Safety  
 5002 Training Center shall continue in effect until the same expire by their terms unless they are  
 5003 suspended, revoked, or otherwise made ineffective as provided by law.

5004 (c) Effective July 1, 2019, the Division of Fire Safety within the Georgia Public Safety  
 5005 Training Center shall carry out all of the functions and obligations and exercise all of the  
 5006 powers formerly held by the Safety Fire Commissioner under this chapter."

5007 **PART XVI**

5008 **SECTION 16-1.**

5009 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 5010 is amended by revising Chapter 22, relating to public employee hazardous chemical  
 5011 protection and right to know, as follows:

5012 "CHAPTER 22

5013 45-22-1.

5014 This chapter shall be known and may be cited as the 'Public Employee Hazardous  
 5015 Chemical Protection and Right to Know Act of 1988.'

5016 45-22-2.

5017 As used in this chapter, the term:

5018 (1) 'Appointing authority' means a person or group of persons authorized by law or  
 5019 delegated authority to make appointments to fill employee positions in the legislative,  
 5020 judicial, or executive branch of state government.

5021 (2) 'Article' means a finished product or manufactured item:

5022 (A) Which is formed to a specific shape or design during manufacture;

- 5023 (B) Which has end use functions dependent in whole or in part upon its shape or design  
 5024 during end use; and
- 5025 (C) Which has either no change of chemical composition during end use or only those  
 5026 changes of composition which have no commercial purpose separate from that of the  
 5027 article.
- 5028 (3) 'Chemical name' means the scientific designation of a chemical in accordance with  
 5029 the nomenclature system developed by the International Union of Pure and Applied  
 5030 Chemistry or the system developed by the Chemical Abstracts Service.
- 5031 (4) 'Common name' means any designation or identification such as a code name, code  
 5032 number, trade name, or brand name used to identify a chemical other than by its chemical  
 5033 name.
- 5034 (5) 'Contractor,' 'independent contractor,' or 'public contractor' means any person under  
 5035 a contract or agreement to provide labor or services to a public employer.
- 5036 ~~(6) 'Department' means the office of the Safety Fire Commissioner.~~
- 5037 ~~(7)~~ (7) 'Distributor' means an individual or employer, other than the manufacturer or  
 5038 importer, who supplies hazardous chemicals directly to users or to other distributors.
- 5039 ~~(8)~~(7) 'Employee' or 'public employee' means any person who is employed by any  
 5040 branch, department, board, bureau, commission, authority, or other agency of the state  
 5041 and any inmate under the jurisdiction of the Department of Corrections performing a  
 5042 work assignment which requires the handling of any hazardous chemicals. Such term  
 5043 shall not include those employees of the Environmental Protection Division of the  
 5044 Department of Natural Resources who are responsible for on-site response and assistance  
 5045 in the case of environmental emergencies while such employees are engaged in  
 5046 responding to such emergencies.
- 5047 ~~(9)~~(8) 'Employer' or 'public employer' means any branch, department, board, bureau,  
 5048 commission, authority, or other agency of the state which employs or appoints an  
 5049 employee or employees. An independent contractor or subcontractor shall be deemed the  
 5050 sole employer of its employees, even when such employees are performing work at the  
 5051 workplace of another employer.
- 5052 ~~(10)~~(9) 'Exposed' or 'exposure' means that an employee is required by a public employer  
 5053 to be subjected to a hazardous chemical in the course of employment through any route  
 5054 of entry, including but not limited to, inhalation, ingestion, skin contact, or absorption and  
 5055 includes potential or accidental exposure.
- 5056 ~~(11)~~(10) 'Hazardous chemical' means any chemical which is a physical hazard or a health  
 5057 hazard.
- 5058 ~~(12)~~(11) 'Health hazard' means a chemical for which there is statistically significant  
 5059 evidence based on at least one study conducted in accordance with established scientific

5060 principles that acute or chronic health effects may occur in exposed employees and shall  
5061 include all examples of hazardous chemicals to which reference is made in the definition  
5062 of 'health hazard' under the Occupational Safety and Health Administration standard, 29  
5063 C.F.R. Section 1910.1200 (1987).

5064 ~~(13)~~(12) 'Importer' means the first individual or employer within the Customs Territory  
5065 of the United States who receives hazardous chemicals produced in other countries for  
5066 the purpose of supplying them to distributors or users within the United States.

5067 ~~(14)~~(13) 'Manufacturer' means a person who produces, synthesizes, extracts, or otherwise  
5068 makes hazardous chemicals.

5069 ~~(15)~~(14) 'Material safety data sheet' means the document prepared by manufacturers in  
5070 accordance with the requirements of the Occupational Safety and Health Administration  
5071 standard, 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987) and containing the  
5072 following information:

5073 (A) The chemical name and the common name of the hazardous chemical;

5074 (B) The hazards or other risks in the use of the hazardous chemical, including:

5075 (i) The potential for fire, explosion, corrosivity, and reactivity;

5076 (ii) The known acute and chronic health effects of risks from exposure, including the  
5077 medical conditions which are generally recognized as being aggravated by exposure  
5078 to the hazardous chemical; and

5079 (iii) The primary routes of entry and the symptoms of overexposure;

5080 (C) The proper precautions, handling practices, necessary personal protective  
5081 equipment, and other safety precautions in the use of or exposure to the hazardous  
5082 chemicals, including appropriate emergency treatment in case of overexposure;

5083 (D) The emergency procedures for spills, fire, disposal, and first aid;

5084 (E) A description in lay terms of the known specific potential health risks posed by the  
5085 hazardous chemical intended to alert any person reading this information; and

5086 (F) The year and month, if available, that the information was compiled and the name,  
5087 address, and emergency telephone number of the manufacturer responsible for  
5088 preparing the information.

5089 ~~(16)~~(15) 'Mixture' means any combination of two or more chemicals, if the combination  
5090 is not, in whole or in part, the result of a chemical reaction.

5091 ~~(17)~~(16) 'Occupational Safety and Health Administration standard' means the Hazard  
5092 Communication Standard issued by the Occupational Safety and Health Administration,  
5093 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987).

5094 ~~(18)~~(17) 'Person' means any individual, natural person, public or private corporation,  
5095 incorporated association, government, government agency, partnership, or unincorporated  
5096 association.

5097 ~~(19)~~(18) 'Physical hazard' means a chemical for which there is scientifically valid  
 5098 evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an  
 5099 organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

5100 ~~(20)~~(19) 'Produce' means to manufacture, process, formulate, or repackage.

5101 ~~(21)~~(20) 'Work area' means a room inside a building or structure, an outside area, or  
 5102 other defined space in a workplace where hazardous chemicals are produced, stored, or  
 5103 used and where employees are present in the course of their employment.

5104 ~~(22)~~(21) 'Workplace' means an establishment or business at one geographic location at  
 5105 which work is performed by a state employee and which contains one or more work  
 5106 areas. In the case of an independent contractor or subcontractor, the workplace shall be  
 5107 defined as all work areas wholly owned or controlled by such independent contractor or  
 5108 subcontractor.

5109 45-22-3.

5110 All hazardous chemicals introduced into the workplace by employers and used in the  
 5111 workplace by employees shall be in labeled containers that meet the requirements of the  
 5112 Occupational Safety and Health Administration standard; provided, however, that  
 5113 employers shall not be required to label portable containers into which hazardous  
 5114 chemicals are transferred from labeled containers provided that the portable container and  
 5115 the hazardous chemical transferred to it are intended only for the immediate use of an  
 5116 employee who performs the transfer or who is present at the time of such transfer.

5117 45-22-4.

5118 A public contractor who introduces hazardous materials into the workplace shall agree, and  
 5119 include a statement, in all bids, agreements, contracts, or other instrument to the effect that  
 5120 such contractor shall be responsible for compliance with the provisions of this chapter for  
 5121 persons employed by such contractor utilized under such contract. Any such public  
 5122 contractor who introduces hazardous chemicals into the workplace shall provide material  
 5123 safety data sheets for such chemicals to all employees using them and instruction in  
 5124 handling, emergency procedures, and disposal prior to introducing such hazardous  
 5125 chemicals. This Code section shall not be construed to place responsibility on any person,  
 5126 firm, or corporation other than public contractors.

5127 45-22-5.

5128 (a) The provisions of this chapter shall not apply to:

5129 (1) Impurities which develop as intermediate materials during chemical processing but  
 5130 are not present in the final mixture and to which employee exposure is unlikely;

- 5131 (2) Alcoholic beverages as defined in Title 3;
- 5132 (3) Articles intended for personal consumption by employees in the workplace;
- 5133 (4) Any consumer product or hazardous substance as those terms are defined in the  
5134 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and Federal Hazardous  
5135 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, including any such product  
5136 or hazardous chemicals manufactured by any state agency, where the employer can  
5137 demonstrate it is used in the workplace in the same manner as normal consumer use and  
5138 which use results in a duration and frequency of exposure which is not greater than  
5139 exposures experienced by consumers;
- 5140 (5) Articles sold or used in retail food establishments and retail trade establishments;
- 5141 (6) Chemicals which are merely being transported in the state as part of a shipment in  
5142 interstate or intrastate commerce; or
- 5143 (7) Chemicals or mixtures which may be hazardous but which are covered by the federal  
5144 Atomic Energy Act and the federal Resource Conservation and Recovery Act.
- 5145 (b) The provisions of this chapter shall not require labeling of the following chemicals:
- 5146 (1) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and  
5147 Rodenticide Act, 7 U.S.C. Section 136, et seq., when such pesticide is subject to the  
5148 labeling requirements of that federal act and labeling regulations issued under that federal  
5149 act by the United States Environmental Protection Agency;
- 5150 (2) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary  
5151 device, including materials intended for use as ingredients in such products, as such terms  
5152 are defined in the federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq.,  
5153 and regulations issued under that federal act, when subject to the labeling requirements  
5154 under that federal act by the Food and Drug Administration;
- 5155 (3) Any distilled spirits, beverage alcohols, wine, or malt beverage intended for  
5156 nonindustrial use as such terms are defined in the federal Alcohol Administration Act, 27  
5157 U.S.C. Section 201, et seq., and regulations issued under that federal act, when subject  
5158 to the labeling requirements of that federal act by the United States Bureau of Alcohol,  
5159 Tobacco, and Firearms; or
- 5160 (4) Any consumer product or hazardous substance as those terms are defined in the  
5161 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and the federal Hazardous  
5162 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, when subject to a  
5163 consumer product safety standard or labeling requirement of those federal acts or  
5164 regulations issued under those federal acts by the Consumer Product Safety Commission.

5165 45-22-6.

5166 (a) The ~~department~~ Georgia Public Safety Training Center shall promulgate such rules and  
5167 regulations as may be necessary to administer this chapter through the Division of Fire  
5168 Safety.

5169 (b) The ~~department~~ Division of Fire Safety within the Georgia Public Safety Training  
5170 Center shall consult with persons knowledgeable in the field of hazardous chemicals to  
5171 assist the ~~department~~ Division of Fire Safety within the Georgia Public Safety Training  
5172 Center in carrying out its duties under this chapter.

5173 45-22-7.

5174 (a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare a  
5175 material safety data sheet which, to the best knowledge of the manufacturer, importer, or  
5176 distributor, is current, accurate, and complete, based on information then reasonably  
5177 available to the manufacturer, importer, or distributor, and provide a copy of the material  
5178 safety data sheet to employers who purchase such hazardous chemicals and an electronic  
5179 copy to the ~~department~~ Division of Fire Safety within the Georgia Public Safety Training  
5180 Center annually.

5181 (b) Any person who produces a mixture may, for the purposes of this Code section,  
5182 prepare and use a mixture material safety data sheet, subject to the provisions of subsection  
5183 (j) of this Code section.

5184 (c) A manufacturer, importer, distributor, or employer may provide the information  
5185 required by this Code section on an entire mixture, instead of on each hazardous chemical  
5186 in it, when all of the following conditions exist:

5187 (1) Toxicity test information exists on the mixture itself or adequate information exists  
5188 to form a valid judgment of the hazardous properties of the mixture itself and the material  
5189 safety data sheet indicates that the information presented and the conclusions drawn are  
5190 from some source other than direct test data on the mixture itself, and that a material  
5191 safety data sheet on each constituent hazardous chemical identified on the material safety  
5192 data sheet is available upon request;

5193 (2) Provision of information on the mixture will be as effective in protecting employee  
5194 health as information on the ingredients;

5195 (3) The hazardous chemicals in the mixture are identified on the material safety data  
5196 sheet unless it is unfeasible to describe all the ingredients in the mixture, provided that  
5197 the reason why the hazardous chemicals in the mixture are not identified shall be stated  
5198 on the material safety data sheet; and

5199 (4) A single mixture material safety data sheet may be provided for more than one  
5200 formulation of a product mixture if the information provided does not vary for the  
5201 formulation.

5202 (d) A manufacturer, importer, or distributor who is responsible for preparing and  
5203 transmitting a material safety data sheet under the provisions of this Code section shall  
5204 revise such material safety data sheet on a timely basis, as appropriate to the importance  
5205 of any new information which would affect the contents of the existing material safety data  
5206 sheet, and in any event within three months of such information becoming available to the  
5207 manufacturer, importer, or distributor. Each such manufacturer, importer, or distributor  
5208 shall provide a copy of the material safety data sheet to employers who have purchased  
5209 such hazardous chemicals and an electronic copy to the ~~department~~ Division of Fire Safety  
5210 within the Georgia Public Safety Training Center.

5211 (e) Any person subject to the provisions of this Code section shall be relieved of the  
5212 obligation to provide a direct purchaser of a hazardous chemical with a material safety data  
5213 sheet if:

5214 (1) He or she has a record of having provided the direct purchaser with the most recent  
5215 version of the material safety data sheet;

5216 (2) The chemical is labeled pursuant to:

5217 (A) The federal Atomic Energy Act; or

5218 (B) The federal Resource Conservation Recovery Act; or

5219 (3) The article is one sold at retail and is incidentally sold to an employer or the  
5220 employer's employees in the same form, approximate amount, concentration, and manner  
5221 as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article  
5222 is not significantly greater than the consumer exposure occurring during the principal  
5223 consumer use of the article.

5224 (f) If an employer is not supplied with a material safety data sheet by a manufacturer,  
5225 importer, or distributor for a hazardous chemical subject to this Code section, such  
5226 employer shall, within a reasonable amount of time after discovering that a material safety  
5227 data sheet has not been supplied, use diligent efforts to obtain such material safety data  
5228 sheet from the manufacturer, importer, or distributor. For purposes of this subsection,  
5229 'diligent efforts' means a prompt inquiry by the employer to the manufacturer, importer, or  
5230 distributor of the hazardous chemicals; provided, however, that an independent contractor  
5231 or subcontractor shall be responsible for obtaining the material safety data sheet for his or  
5232 her employees in the workplace of another.

5233 (g) If after having used diligent efforts, an employer still fails to obtain a material safety  
5234 data sheet, such employer shall notify the ~~department~~ Division of Fire Safety within the

5235 Georgia Public Safety Training Center of the employer's inability to obtain such material  
5236 safety data sheet.

5237 (h) An employer who has used diligent efforts and who has made a documented  
5238 notification to the ~~department~~ Division of Fire Safety within the Georgia Public Safety  
5239 Training Center pursuant to this Code section shall not be found in violation of this Code  
5240 section with respect to the material safety data sheet which was not supplied by the  
5241 manufacturer, importer, or distributor as required by this Code section.

5242 (i) Every employer who manufactures, produces, uses, applies, or stores hazardous  
5243 chemicals in the workplace shall post a notice as prescribed by rule or regulation  
5244 promulgated by the ~~department~~ Division of Fire Safety within the Georgia Public Safety  
5245 Training Center in a place where notices are normally posted, informing employees of their  
5246 rights under this chapter.

5247 (j) Every employer who manufactures, produces, uses, applies, or stores hazardous  
5248 chemicals in the workplace shall maintain a material safety data sheet for each hazardous  
5249 chemical which is present in such workplace. All material safety data sheets shall be  
5250 readily available in the workplace; provided, however, that employers who maintain one  
5251 or more work areas which are not fixed at specific geographic locations shall be authorized  
5252 to maintain material safety data sheets for each hazardous chemical used in such work area  
5253 at a central location.

5254 (k)(1) A material safety data sheet may be kept in any form, including operations  
5255 procedures, and may be designed to cover groups of hazardous chemicals in a work area  
5256 where it may be appropriate to address the hazards of a process rather than individual  
5257 hazardous chemicals. The employer shall ensure that in all cases the required information  
5258 is provided for each hazardous chemical, and is readily accessible during each workshift  
5259 to employees when they are in their work area; provided, however, that employers who  
5260 maintain one or more work areas which are not fixed at specific geographic locations  
5261 shall be authorized to maintain material safety data sheets for each hazardous chemical  
5262 used in such work area at a central location.

5263 (2) Any employee may request in writing and shall have the right to examine and obtain  
5264 the material safety data sheets for the hazardous chemicals to which he or she is, has  
5265 been, or may be exposed. The employer shall provide any material safety data sheet  
5266 within its possession within five of the requesting employee's working days, subject to  
5267 the provisions of subsection (g) of this Code section. The employer may adopt  
5268 reasonable procedures for acting upon such requests to avoid interruption of normal work  
5269 operations.

5270 (3) An independent contractor or subcontractor working in the workplace of another  
5271 employer may request in writing and shall have the right to examine the material safety

5272 data sheets for the hazardous chemicals to which such contractor, subcontractor, or  
5273 employees thereof are, have been, or may be exposed. The employer shall provide any  
5274 material safety data sheet within its possession within five of the requesting independent  
5275 contractor's or subcontractor's working days, subject to the provisions of subsection (g)  
5276 of this Code section. The employer may adopt reasonable procedures for acting upon  
5277 such requests to avoid interruption of normal work operations.

5278 (4) If an employee who has requested a material safety data sheet pursuant to this chapter  
5279 has not received such material safety data sheet within five of the requesting employee's  
5280 working days, subject to the provisions of subsection (g) of this Code section, that  
5281 employee may refuse to work with the chemical for which he or she has requested the  
5282 material safety data sheet until such material safety data sheet is provided by the  
5283 employer; provided, however, that nothing contained in this paragraph shall be construed  
5284 to permit any employee to refuse to perform essential services, as such term is defined  
5285 by rule or regulation; provided, further, that nothing in this paragraph shall be construed  
5286 to interfere with the right of the employer to transfer an employee who so refuses to work  
5287 to other duties until such material safety data sheet is provided, such a transfer not to be  
5288 considered as a discriminatory act under Code Section 45-22-10. No pay, position,  
5289 seniority, or other benefits shall be lost for exercise of any right provided by this chapter  
5290 as a result of such a transfer.

5291 (l) No employer shall discharge or otherwise discriminate against an employee for the  
5292 employee's assertion of the employee's rights under this chapter.

5293 (m) For the purposes of this Code section, an employer, independent contractor, or  
5294 subcontractor shall maintain material safety data sheets for their own workplaces only;  
5295 provided, however, that employees of such independent contractor or subcontractor, insofar  
5296 as they are exposed in the course of their employment to hazardous chemicals in other  
5297 workplaces, shall have the right to examine material safety data sheets for those chemicals  
5298 to which they are exposed from the workplace employer through a written request to their  
5299 own employer as provided in paragraph (2) of subsection (k) of this Code section.  
5300 Nothing contained in this chapter shall be construed to require an employer to conduct  
5301 studies to develop new information.

5302 45-22-8.

5303 (a) Each employer shall be required to comply with the minimum information standards  
5304 set forth in this subsection. Each employee shall be informed of:

5305 (1) The requirements of this Code section;

- 5306 (2) What a material safety data sheet is and the contents of the material safety data sheet  
 5307 for any hazardous chemical to which he or she is exposed, or equivalent information,  
 5308 either in written form or through training programs;
- 5309 (3) Any operations in his or her work area where hazardous chemicals are present;
- 5310 (4) The location and availability of training programs;
- 5311 (5) His or her right to receive information regarding hazardous chemicals to which he  
 5312 or she may be exposed;
- 5313 (6) His or her right for his or her physician to receive information regarding hazardous  
 5314 chemicals to which the employee may be exposed; and
- 5315 (7) His or her right against discharge or other discrimination due to the employee's  
 5316 exercise of the rights provided by this chapter.
- 5317 (b) In addition to providing the information required by subsection (a) of this Code  
 5318 section, each employer shall be required to provide a training program for all employees  
 5319 who are exposed to hazardous chemicals in the normal course of their employment. When  
 5320 training employees who are exposed to hazardous chemicals, the employer shall explain  
 5321 any physical or health hazards associated with the use of the chemical or mixture; proper  
 5322 precautions for handling; necessary personal protective equipment or other safety  
 5323 precautions necessary to prevent or minimize exposure to the hazardous chemical; methods  
 5324 of observation that may be used to detect the presence or release of a hazardous chemical  
 5325 in a work area, including, but not limited to, spot check monitoring, continuous monitoring,  
 5326 or methods of visual or olfactory detection; the labeling system and the material safety data  
 5327 sheet, and how employees can obtain and use the appropriate hazard information; and  
 5328 emergency procedures for spills, fire, disposal, and first aid. This information may relate  
 5329 to an entire class of hazardous chemicals to the extent appropriate and related to the job.  
 5330 Whenever any employer receives a new or revised material safety data sheet, such  
 5331 information shall be provided to employees on a timely basis not to exceed 30 days after  
 5332 receipt, if the new information indicates significantly increased risks to or measures  
 5333 necessary to protect employee health as compared to those stated on a material safety data  
 5334 sheet previously provided.
- 5335 (c) The ~~department~~ Division of Fire Safety within the Georgia Public Safety Training  
 5336 Center shall by rule or regulation establish minimum information and training standards  
 5337 for compliance with this Code section.

5338 45-22-9.

5339 On and after July 1, 1989, each employer shall publish in print or electronically in January  
 5340 and July of each year a list of hazardous chemicals that its employees use or are exposed  
 5341 to in the workplace. Such list shall be available for public inspection at the workplace

5342 office. A comprehensive list of all hazardous chemicals used by the employer shall also be  
5343 available for public inspection at the employer's state headquarters.

5344 45-22-10.

5345 (a) No person shall discharge or cause to be discharged or otherwise discipline or in any  
5346 manner discriminate against any employee for any of the following reasons:

5347 (1) The employee has requested information regarding hazardous chemicals, filed any  
5348 complaint or action, or has instituted, or caused to be instituted, any proceeding under this  
5349 chapter;

5350 (2) The employee has testified or is about to testify in any proceeding in his or her own  
5351 behalf or on behalf of others; or

5352 (3) The employee has exercised any other right afforded pursuant to the provisions of  
5353 this chapter.

5354 (b) No pay, position, seniority, or other benefits shall be lost for exercise of any right  
5355 provided by this chapter.

5356 45-22-11.

5357 (a) In order to enforce the provisions of this chapter, any employee adversely affected by  
5358 a violation of this chapter by that employee's employer may file a grievance in accordance  
5359 with the employer's established grievance procedures. Appointing authorities shall pursue  
5360 all complaints concerning occupational exposure to hazardous chemicals.

5361 (b) Upon any violation of Code Section 45-22-4 by a contractor, the employer under  
5362 agreement with such contractor shall have the right to terminate the contract without  
5363 liability.

5364 (c) Nothing in this chapter shall change or modify the right or ability of employers to  
5365 dismiss or discipline employees in accordance with the laws of this state.

5366 (d) Any employee dissatisfied with a final decision of an appointing authority with regard  
5367 to a grievance filed pursuant to subsection (a) of this Code section shall be entitled to  
5368 judicial review in the same manner as provided for judicial review of contested cases in  
5369 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

5370 45-22-12.

5371 Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity  
5372 of the state or any branch, department, board, bureau, commission, authority, or other  
5373 agency of the state. A violation of the provisions of this chapter shall not be the basis for  
5374 an action for damages against the state or any branch, department, board, bureau,  
5375 commission, authority, or other agency of the state or any member, officer, or employee

5376 of the state or any branch, department, board, bureau, commission, authority, or other  
 5377 agency of this state and said entities and persons are granted immunity from civil actions  
 5378 for damages for any violation of the provisions of this chapter."

5379 **PART XVII**

5380 **SECTION 17-1.**

5381 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
 5382 general provisions regarding administrative procedure, is amended by revising Code Section  
 5383 50-13-21, relating to compliance with filing and hearing requirements by Safety Fire  
 5384 Commissioner and Commissioner of Insurance, as follows:

5385 "50-13-21.

5386 (a) As to such regulations, standards, and plans as are required by law to be filed and kept  
 5387 on file with the office of the Secretary of State, the ~~Commissioner of Insurance, when~~  
 5388 ~~performing the duties as Safety Fire Commissioner,~~ commissioner of fire safety may  
 5389 comply with the filing requirements of this chapter by filing with the office of the Secretary  
 5390 of State merely the name and designation of such regulations, standards, and plans,  
 5391 provided that the regulations, standards, and plans are kept on file in the office of the  
 5392 ~~Commissioner of Insurance~~ commissioner of fire safety by the titles otherwise applicable  
 5393 under this chapter and the regulations, standards, and plans are open for public examination  
 5394 and copying. The ~~Commissioner of Insurance, when performing the duties as Safety Fire~~  
 5395 ~~Commissioner,~~ commissioner of fire safety may also satisfy the procedure for conduct of  
 5396 hearings on contested cases and rule making required under this chapter by following  
 5397 Chapter 2 of Title 33.

5398 (b) The ~~Commissioner of Insurance, when performing the duties as Commissioner of~~  
 5399 ~~Insurance,~~ may satisfy the procedure for conduct of hearings on contested cases required  
 5400 under this chapter by following Chapter 2 of Title 33. ~~When the Commissioner of~~  
 5401 ~~Insurance is performing rule-making duties as~~ The Commissioner of Insurance, he shall  
 5402 satisfy the procedures required under this chapter and under Chapter 2 of Title 33. In the  
 5403 event of any conflicts between rule-making procedures of this chapter and Chapter 2 of  
 5404 Title 33 as it respects duties of the Commissioner of Insurance, this chapter shall govern."

5405 **PART XVIII**

5406 **SECTION 18-1.**

5407 Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to standards and  
 5408 requirements for construction, alteration, etc., of buildings and other structures, is amended

5409 by revising subdivision (9)(B)(ii)(D) of Code Section 8-2-20, relating to definitions, as  
5410 follows:

5411 "(D) The term 'state minimum standard codes' shall specifically not include the Georgia  
5412 State Fire Code as adopted by the ~~Safety Fire Commissioner~~ commissioner of fire  
5413 safety pursuant to Code Section 25-2-13 nor shall any state minimum standard code be  
5414 less restrictive than the Georgia State Fire Code."

5415 **SECTION 18-2.**

5416 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code  
5417 Section 8-2-24, relating to appointment of advisory committee, reimbursement of members  
5418 for expenses, use of subcommittees, submittal or proposed amendments, modifications, and  
5419 new provisions to committee, and meeting times of committee, as follows:

5420 "(1) The ~~Safety Fire Commissioner~~ commissioner of fire safety or his or her designee as  
5421 an ex officio member with full voting privileges;"

5422 **SECTION 18-3.**

5423 Said chapter is further amended by revising paragraph (4) of subsection (c) of Code Section  
5424 8-2-31, relating to effect of part, as follows:

5425 "(4) The Georgia State Fire Code as adopted by the ~~Safety Fire Commissioner~~  
5426 commissioner of fire safety pursuant to Code Section 25-2-13."

5427 **SECTION 18-4.**

5428 Said chapter is further amended by revising Code Section 8-2-202, relating to definitions, as  
5429 follows:

5430 "8-2-202.

5431 As used in this article, the term:

5432 (1) 'Enforcement authority' means the ~~Safety Fire Commissioner~~ commissioner of fire  
5433 safety, the state fire marshal, local building officials, local fire marshals, or any other  
5434 state or local officials responsible for the implementation, application, or enforcement of  
5435 any state law or local ordinance relating to building construction, or any state or local rule  
5436 or regulation relating to building construction, or any building, mechanical, electrical,  
5437 plumbing, life safety or fire prevention codes, or other construction standards that apply  
5438 or are intended to apply to existing buildings. The term 'enforcement authority' also  
5439 means any local official designated by the local governing authority as the enforcement  
5440 authority for the purposes of this article.

5441 (2) 'Existing building or structure' means any completed building or structure which has  
5442 been placed in service for a minimum of five years.

5443 (3) ~~'Safety Fire Commissioner' or 'Commissioner' means the office created in Code~~  
 5444 ~~Section 25-2-2.'~~

5445 **SECTION 18-5.**

5446 Said chapter is further amended by revising Code Section 8-2-203, relating to effect of article  
 5447 on state and local enforcement authorities, as follows:

5448 "8-2-203.

5449 The provisions of this article shall be mandatory and binding on the commissioner of fire  
 5450 safety, state fire marshal, ~~the Safety Fire Commissioner~~, and other state officials  
 5451 responsible for state building code, fire code, life safety code, or other construction code  
 5452 enforcement. This article is not mandatory or binding on local enforcement authorities;  
 5453 provided, however, that any local building, fire, life safety, plumbing, electrical,  
 5454 mechanical, or other construction code enforcement authority may apply the applicable  
 5455 provisions of this article to any existing building whenever the local governing authority  
 5456 has adopted this article by reference and whenever such local code enforcement authority  
 5457 determines the need to utilize compliance alternatives to any provisions of the rules,  
 5458 regulations, codes, or standards he or she is empowered to interpret, apply, or enforce  
 5459 under authority of any state law or local ordinance. This article is a tool for use of code  
 5460 enforcement authorities to use as deemed appropriate in attempting to resolve problems  
 5461 encountered while enforcing codes and standards with regard to existing buildings and  
 5462 structures. Enforcement authorities should advise appropriate appeals boards of the  
 5463 provisions, purposes, and intent of this article."

5464 **SECTION 18-6.**

5465 Said chapter is further amended by revising Code Section 8-2-220, relating to rules and  
 5466 regulations, as follows:

5467 "8-2-220.

5468 The ~~Safety Fire Commissioner~~ commissioner of fire safety shall promulgate reasonable  
 5469 rules and regulations to implement and carry out the requirements of this article."

5470 **SECTION 18-7.**

5471 Said chapter is further amended by revising Code Section 8-2-221, relating to appeals of  
 5472 rulings or decisions, as follows:

5473 "8-2-221.

5474 Should any person, firm, corporation, or other entity be dissatisfied with any ruling or  
 5475 decision of the state fire marshal pursuant to the provisions of this article, the right is  
 5476 granted to appeal within ten days to the ~~Commissioner~~ commissioner of fire safety. If the

5477 person, firm, corporation, or other entity is dissatisfied with the decision of the  
 5478 ~~Commissioner~~ commissioner of fire safety, appeal is authorized to the superior court within  
 5479 30 days in the manner provided under Chapter 13 of Title 50-, the 'Georgia Administrative  
 5480 Procedure Act.' In the event of such appeal, the person, firm, corporation, or other entity  
 5481 shall give a surety bond which will be conditioned upon compliance with the order and  
 5482 direction of the ~~state fire marshal or the Commissioner or both~~ commissioner of fire safety.  
 5483 The amount of bond shall be fixed by the ~~Commissioner~~ commissioner of fire safety in  
 5484 such amount as will reasonably cover the order issued by the ~~Commissioner~~ commissioner  
 5485 of fire safety or the state fire marshal or both."

#### 5486 **SECTION 18-8.**

5487 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
 5488 amended by revising Code Section 25-3-6, relating to effect of article on powers and duties  
 5489 of other officials and departments, as follows:

5490 "25-3-6.

5491 This article shall not affect the duties, powers, or responsibilities of the Safety Fire  
 5492 Commissioner, the commissioner of fire safety, the Division of Fire Safety within the  
 5493 Georgia Public Safety Training Center, the state fire marshal, the sheriff's office, the  
 5494 Department of Public Safety, local law enforcement agencies, the Department of  
 5495 Agriculture, the Department of Natural Resources, the State Forestry Commission, the  
 5496 Department of Transportation, the Department of Defense, or the Department of Public  
 5497 Health."

#### 5498 **SECTION 18-9.**

5499 Said title is further amended by revising subsection (a) of Code Section 25-4-3, relating to  
 5500 the Georgia Firefighter Standards and Training Council – establishment and organization,  
 5501 advisory committee, and expenses and allowances, as follows:

5502 "(a) The Georgia Firefighter Standards and Training Council is established. The council  
 5503 shall be composed of 11 members, one of whom shall be the ~~Safety Fire Commissioner~~  
 5504 commissioner of fire safety or the designated representative of the ~~Safety Fire~~  
 5505 ~~Commissioner~~ commissioner of fire safety. Two members shall be appointed by the  
 5506 Lieutenant Governor. Two members shall be appointed by the Speaker of the House of  
 5507 Representatives. The remaining six members shall be appointed by the Governor subject  
 5508 to the following requirements:

- 5509 (1) One member shall be a member of the governing authority of a county;
- 5510 (2) One member shall be a member of the governing authority of a municipality;
- 5511 (3) One member shall be a city or county manager;

5512 (4) One member shall be the chief of a county or municipal fire department; and

5513 (5) Two members shall be state certified firefighter training officers."

5514 **SECTION 18-10.**

5515 Chapter 3 of Title 30 of the Official Code of Georgia Annotated, relating to access to and use  
5516 of public facilities by persons with disabilities, is amended by revising paragraph (4) of Code  
5517 Section 30-3-2, relating to definitions, as follows:

5518 "(4) 'Commissioner' means the ~~Safety Fire Commissioner provided for in Chapter 2 of~~  
5519 ~~Title 25~~ commissioner of fire safety."

5520 **SECTION 18-11.**

5521 Said chapter is further amended by revising Code Section 30-3-3, relating to applicable  
5522 standards and specifications and granting of exemptions, as follows:

5523 "30-3-3.

5524 All government buildings, public buildings, and facilities receiving permits for construction  
5525 or renovation after July 1, 1995, shall comply with the rules and regulations adopted by the  
5526 ~~Commissioner~~ commissioner which meet ADAAG and establish the minimum state  
5527 standards for accessibility. All government buildings, public buildings, and facilities  
5528 receiving permits for construction or renovation after July 1, 1984, but before July 1, 1987,  
5529 shall comply with the American National Standards Institute specifications A117.1-1980  
5530 or A117.1-1986 for making buildings and facilities accessible to and usable by people with  
5531 disabilities except as otherwise provided in paragraph (10) of Code Section 30-3-2; and all  
5532 government buildings, public buildings, and facilities receiving permits for construction  
5533 or renovation after July 1, 1987, but before July 1, 1995, shall comply with the American  
5534 National Standards Institute specifications A117.1-1986 for making buildings and facilities  
5535 accessible to and usable by people with disabilities except as otherwise provided in  
5536 paragraph (10) or subparagraph (C) of paragraph (11) of Code Section 30-3-2; provided,  
5537 however, that nothing in this Code section is intended to require the addition of an elevator  
5538 where none exists or is planned, solely for the purpose of providing an accessible route  
5539 between floor levels; and provided, further, that the ~~Safety Fire Commissioner~~  
5540 commissioner or, where applicable, the Board of Regents of the University System of  
5541 Georgia or the local governing authority having jurisdiction over the buildings in question  
5542 upon receipt of a sworn written statement from the person who owns or controls the use of  
5543 any government building, public building, or facility subject to the requirements of this  
5544 chapter and after taking all circumstances into consideration may determine that full  
5545 compliance with any particular standard or specification set forth in this chapter is  
5546 impractical, whereupon there shall be substantial compliance with the standards or

5547 specifications to the maximum extent practical and, within 45 days of such determination,  
 5548 a written record shall be made by the ~~Safety Fire Commissioner~~ commissioner or, where  
 5549 applicable, the board of regents or the local governing authority having jurisdiction over  
 5550 the buildings in question, setting forth the reasons why it is impractical for the person  
 5551 subject to this chapter to comply fully with the particular standard or specification and also  
 5552 setting forth the extent to which the government building, public building, or facility shall  
 5553 conform with the standard or specification. The ~~Safety Fire Commissioner~~ commissioner  
 5554 or, where applicable, the board of regents or the local governing authority having  
 5555 jurisdiction over the buildings in question shall be responsible for making a final  
 5556 determination as to whether or not an exemption shall be granted."

5557 **SECTION 18-12.**

5558 Said chapter is further amended by revising Code Section 30-3-7, relating to administration  
 5559 and enforcement of chapter, as follows:

5560 "30-3-7.

5561 (a)(1) Except for buildings under the jurisdiction of the Board of Regents of the  
 5562 University System of Georgia, all buildings subject to the jurisdiction of the ~~Safety Fire~~  
 5563 ~~Commissioner~~ Division of Fire Safety within the Georgia Public Safety Training Center  
 5564 pursuant to Code Section 25-2-12 and subsection (c) of Code Section 25-2-13 shall be  
 5565 subject to the jurisdiction of the ~~Safety Fire Commissioner~~ commissioner for purposes  
 5566 of enforcement of this chapter.

5567 (2) With respect to any such building, the ~~Safety Fire Commissioner~~ commissioner shall  
 5568 have the following powers and duties:

5569 (A) No such building shall be built in this state by any private person or corporation  
 5570 or public entity unless it conforms to the requirements of Code Sections 30-3-3 and  
 5571 30-3-5 and its plans and specifications have been approved by the ~~Commissioner~~  
 5572 commissioner as provided in this subparagraph. All plans and specifications shall  
 5573 identify the architect or engineer who prepared them in a manner acceptable to the  
 5574 ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner shall approve the plans  
 5575 and specifications only if they conform to the requirements of this chapter. The  
 5576 ~~Commissioner~~ commissioner shall not require any additional fee for each submission  
 5577 of plans or specifications other than the standard fee required by Code Section 25-2-4.1.  
 5578 No local governing authority shall issue any building permit for any building subject  
 5579 to this subsection without proof of the approval required by this subparagraph;

5580 (B) In any case where the ~~Commissioner~~ commissioner denies approval under  
 5581 subparagraph (A) of this paragraph or an exemption under subparagraph (C) of this

5582 paragraph, the rights and remedies of the person submitting the same shall be those  
5583 provided by Chapter 2 of Title 33; and

5584 (C) Upon a showing that full compliance with any particular requirement or  
5585 requirements is impractical or not necessary to accomplish the purposes of this chapter,  
5586 the ~~Commissioner~~ commissioner may exempt a building from full compliance with the  
5587 requirement or requirements and approve plans and specifications which do not  
5588 conform, or which only partially conform, to the requirement or requirements.

5589 (b) The board of regents shall be responsible for the administration and enforcement of this  
5590 chapter with respect to all buildings and facilities under its jurisdiction. No construction  
5591 plans for any such building or facility shall be approved by the board of regents for any  
5592 construction within the University System of Georgia unless the building or facility  
5593 conforms to Code Sections 30-3-3 and 30-3-5 and unless the architect or engineer  
5594 responsible for preparation of said plans and specifications affixes that person's seal on  
5595 such plans. The affixing of the seal of an architect or engineer to said plans shall constitute  
5596 a certification that to the best of that person's knowledge, information, and belief they have  
5597 been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate of  
5598 compliance may be displayed on said plans in lieu of the architect's or engineer's seal. The  
5599 builder, developer, contractor, or building owner following said plans shall require an  
5600 architect's or engineer's seal or a certificate of compliance to be displayed on the plans  
5601 before starting construction.

5602 (c) Local governing authorities shall be responsible for the administration and enforcement  
5603 of this chapter with regard to all government and public buildings and facilities which are  
5604 not under the jurisdiction of the ~~Safety Fire Commissioner~~ commissioner or board of  
5605 regents, pursuant to subsections (a) and (b) of this Code section and which are under the  
5606 jurisdiction of such local governing authorities. No building permit for any such building  
5607 or facility shall be approved by any local governing authority for any private person,  
5608 corporation, partnership, association, or public entity unless the plans and specifications  
5609 conform to the requirements of Code Sections 30-3-3 and 30-3-5 and unless the architect  
5610 or engineer responsible for preparation of said plans and specifications affixes that person's  
5611 seal on such plans. The affixing of the seal of an architect or engineer to said plans shall  
5612 constitute a certification that to the best of that person's knowledge, information, and belief  
5613 they have been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate  
5614 of compliance may be displayed on said plans in lieu of the architect's or engineer's seal.  
5615 The builder, developer, contractor, or building owner following said plans shall require  
5616 such a seal or a certificate of compliance on the plans before starting construction. All  
5617 construction plans must display such a certificate of compliance, or a seal provided by the  
5618 architect or engineer, for all construction in local governing jurisdictions which do not

5619 require building permits. In all areas where local governing authority building permits are  
5620 not required, the builder, developer, contractor, or building owner following said plans  
5621 shall require such an architect's or engineer's seal or a certificate of compliance to be  
5622 displayed on the plans before starting construction.

5623 (d) In the performance of their responsibilities under this chapter, all state rehabilitation  
5624 agencies and appropriate elected or appointed officials shall be required to cooperate with  
5625 and assist the ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the  
5626 appropriate local building code officials or local fire department, or any combination  
5627 thereof, having jurisdiction over the buildings in question.

5628 (e) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local  
5629 building code officials or the local fire department, or any combination thereof, having  
5630 jurisdiction over the buildings in question shall from time to time inform, in writing,  
5631 professional organizations and others of this chapter and its application.

5632 (f)(1) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local  
5633 governing authority having jurisdiction over the buildings in question shall have all  
5634 necessary powers to require compliance with their rules, regulations, and procedures, and  
5635 modifications thereof and substitutions therefor, including powers to institute and  
5636 prosecute proceedings in the superior court to compel compliance, and shall not be  
5637 required to pay any entry or filing fee in connection with the institution of such  
5638 proceedings.

5639 (2) No person, firm, or corporation shall be subject to a complaint for not complying  
5640 with the provisions of subparagraph (C) of paragraph (11) of Code Section 30-3-2 unless  
5641 90 days have passed since such person, firm, or corporation has been notified by certified  
5642 mail or statutory overnight delivery of the alleged violation of the provisions of  
5643 subparagraph (C) of paragraph (11) of Code Section 30-3-2. Such notification shall  
5644 include a warning of an impending complaint if the alleged violation is not corrected  
5645 before the expiration of the 90 day warning period. The 90 day warning period shall not  
5646 apply to any structure or facility other than parking lots nor to any part of this chapter  
5647 other than subparagraph (C) of paragraph (11) of Code Section 30-3-2.

5648 (g) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local  
5649 governing authority having jurisdiction over the buildings in question, after consultation  
5650 with state rehabilitation agencies and other sources as they might determine, are authorized  
5651 to promulgate such rules, regulations, and procedures as might reasonably be required to  
5652 implement and enforce their responsibilities under this chapter. Such rules, regulations, and  
5653 procedures shall not be less restrictive than those established by the ~~Commissioner~~  
5654 commissioner.

5655 (h) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local  
 5656 governing authority having jurisdiction over the buildings in question, after consultation  
 5657 with state rehabilitation agencies, are also authorized to waive any of the standards and  
 5658 specifications presently set forth in this chapter and to substitute in lieu thereof standards  
 5659 or specifications consistent in effect to such standards or specifications heretofore adopted  
 5660 by the American Standards Association, Inc."

#### 5661 SECTION 18-13.

5662 Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to regulation and  
 5663 licensing of assisted living communities, legislative intent, definitions, procedures, and  
 5664 requirements for medication aides, is amended by revising paragraph (4) of subsection (b)  
 5665 and subsection (e) as follows:

5666 "(4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an  
 5667 assisted living community, to a designated point of safety and within an established  
 5668 period of time as determined by the ~~Office of the Safety Fire Commissioner~~ Division of  
 5669 Fire Safety within the Georgia Public Safety Training Center. Assisted self-preservation  
 5670 is a function of all of the following:

5671 (A) The condition of the individual;

5672 (B) The assistance that is available to be provided to the individual by the staff of the  
 5673 assisted living community; and

5674 (C) The construction of the building in which the assisted living community is housed,  
 5675 including whether such building meets the state fire safety requirements applicable to  
 5676 an existing health care occupancy."

5677 "(e) An assisted living community shall maintain fire detection and prevention equipment,  
 5678 including visual signals with alarms for hearing impaired residents, in accordance with  
 5679 manufacturer instructions and the requirements of the ~~Office of the Safety Fire~~  
 5680 ~~Commissioner~~ Division of Fire Safety within the Georgia Public Safety Training Center."

#### 5681 SECTION 18-14.

5682 Code Section 33-2-9 of the Official Code of Georgia Annotated, relating to rules and  
 5683 regulations adopted by the Commissioner of Insurance, is amended by revising subsection (e)  
 5684 as follows:

5685 "(e) Neither the ~~Commissioner, whether acting as Commissioner of Insurance or Safety~~  
 5686 ~~Fire Commissioner~~ of Insurance, nor the department, nor the ~~Safety Fire Division of the~~  
 5687 ~~office of the Commissioner~~ commissioner of fire safety shall propose or adopt rules or  
 5688 regulations relating to the sale or dispensing of gasoline or diesel fuel to the general public  
 5689 by any business entity unless such rules or regulations require such sale or dispensing to

5690 be under the direct control and visual supervision of an on-site employee of such business  
5691 entity."

5692 **SECTION 18-15.**

5693 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
5694 by revising subsection (c) of Code Section 42-4-31, relating to required safety and security  
5695 measures, as follows:

5696 "(c) The officer in charge of a detention facility shall have the facility inspected  
5697 semiannually by an officer from the state fire marshal's office or an officer selected by  
5698 the ~~Safety Fire Commissioner~~ commissioner of fire safety. Each detention facility shall  
5699 be required to comply with this article with regard to fire safety and the applicable rules  
5700 and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner of fire  
5701 safety. The inspecting officer shall fill out a form provided by the officer in charge and  
5702 the form shall be posted in a conspicuous place by the officer in charge, thereby  
5703 evidencing inspection of the facility."

5704 **SECTION 18-16.**

5705 Code Section 43-14-13 of the Official Code of Georgia Annotated, relating to applicability  
5706 of chapter, is amended by revising subsection (o) as follows:

5707 "(o) This chapter shall not prohibit any propane dealer who is properly insured as required  
5708 by law and who holds a liquefied petroleum gas license issued by the ~~Safety Fire~~  
5709 ~~Commissioner~~ commissioner of fire safety from installing, repairing, or servicing a propane  
5710 system or the gas piping or components of such system; provided, however, that such  
5711 propane dealers shall be prohibited from performing the installation of conditioned air  
5712 systems or forced air heating systems unless licensed to do so under this chapter."

5713 **SECTION 18-17.**

5714 Article 1 of Chapter 14 of Title 45 of the Official Code of Georgia Annotated, relating to  
5715 general provisions regarding the Commissioner of Insurance, is amended by revising Code  
5716 Section 45-14-3, relating to duties as Safety Fire Commissioner and Industrial Loan  
5717 Commissioner, as follows:

5718 "45-14-3.

5719 The Commissioner of Insurance shall be the ~~Safety Fire Commissioner~~ and the Industrial  
5720 Loan Commissioner."

5721 **SECTION 18-18.**

5722 Said article is further amended by revising Code Section 45-14-5, relating to seal, as follows:

5723 "45-14-5.

5724 The Commissioner of Insurance, ~~Safety Fire Commissioner~~, and Industrial Loan  
5725 Commissioner shall have an official seal for each office of such design as he or she shall  
5726 select with the approval of the Governor."

5727

**PART XIX**

5728

**SECTION 19-1.**

5729 This Act shall become effective on July 1, 2019.

5730

**SECTION 19-2.**

5731 All laws and parts of laws in conflict with this Act are repealed.