

March 11, 2009

S 563. REGULATION OF GOLF CARTS BY LOCAL GOVERNMENTS (=H 320). Filed 3/11/09.
TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

Identical to H 320, filed 2/25/09.

Intro. by Davis.

UNCODIFIED

July 22, 2009

S 563. PYROTECHNICS SAFETY PERMITTING ACT (NEW). Filed 3/11/09. Senate committee substitute makes the following changes to 1st edition. Deletes entire contents of the previous edition and replaces it with *AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA.*

Enacts new Article 82A, *Pyrotechnics Training and Permitting*, in GS Chapter 58 to require that the State Fire Marshal (Marshal), in consultation with the State Fire and Rescue Commission and others in the Marshal's discretion, establish mandatory minimum guidelines, testing, and training requirements for individuals (1) transporting, exhibiting, using, handling, or discharging pyrotechnics in connection with a concert or public exhibition under Article 54 of GS Chapter 14 and (2) seeking to obtain a display operator permit under GS 14-410.1. Requires that, before transporting, using, handling, exhibiting, or discharging pyrotechnics in connection with a concert or public exhibition, the individual must (1) successfully complete the training approved or offered by the Commissioner of Insurance (Commissioner) through the Office of the State Fire Marshal or (2) be a current active member in good standing with any local fire or rescue department, with experience in pyrotechnics or explosives, as verified by the Marshal, and possess the minimum qualifications provided in GS 58-78-5(a)(14b) and any higher qualifications if applicable. Provides that the Marshal must approve an examination to be taken by applicants for a display operator permit, with the applicant paying the cost of the exam. Also requires the Marshal to charge a fee up to \$100 for the issuance of the permit. Directs the Commissioner to adopt rules to implement this Article and GS 14-410.1.

Enacts new GS 14-410.1 to provide that the Marshal may issue a display operator permit, valid for two years unless revoked, to an individual to transport, exhibit, use, handle, or discharge pyrotechnics under GS 14-410 if the individual (1) is at least 21 years of age; (2) assisted with the authorized exhibition, use, or display of pyrotechnics on at least three occasions; (3) successfully completes the minimum training requirements established under GS 58-82A-2(a); (4) successfully passes an examination approved by the Marshal that demonstrates knowledge on how to safely handle, store, and exhibit certain pyrotechnics or otherwise provide evidence of current acceptable third party certification; and (5) pays the fee required under GS 58-82A-2(b). Allows the Marshal to issue a display operator permit to an individual who holds a permit of certification issued by another state provided that the state meets the minimum requirements of the statute and the individual pays the required fee. Lists circumstances that would allow for the denial or revocation of a permit.

Enacts new GS 14-413(d) to prohibit a board of county commissioners or the governing board of a city from issuing a permit under the statute unless the display operator provides proof of insurance of at least \$500,000 or the minimum required by the NC State Building Code, whichever is greater. Allows the board of county commissioners or the governing board of a city to require a higher amount.

Makes conforming changes to GS 14-410 to allow pyrotechnics to be transported, exhibited, used, handled, or discharged within the state if (1) the exhibition, use, or discharge is at a concert or public exhibition; (2) all individuals engaged in this activity have completed training under GS 58-82A-2(a) and are under the direct supervision and control of a display operator who holds a permit issued by the Marshal; and (3) the display operator has secured written authority under GS 14-413, with an exception for pyrotechnics that are exhibited under certain circumstances in connection with UNC-Chapel Hill (was, allowed exhibition, use, or discharge at concerts or public exhibitions under the supervision of experts who secured the required written authority). Creates definitions for (1) *concert or public exhibition*, (2) *display operator*, and (3) *State Fire Marshal*. Also makes organizational and technical changes.

Specifies that, notwithstanding GS 58-82A-2(b), effective until July 1, 2011, the Commissioner may issue a display operator permit to individuals who meet the qualifications in GS 14-410.1 and must waive the fee under GS 58-82A-2(b).

Requires the Commissioner to report to the General Assembly on the implementation of this act and make recommendations by May 1, 2010.

Effective for offenses committed on or after January 2, 2010.

July 23, 2009

S 563. PYROTECHNICS SAFETY PERMITTING ACT. Filed 3/11/09. Senate committee substitute makes the following changes to 2nd edition.

Moves the permitting requirements for the use, handling, exhibition, and discharge of pyrotechnics to GS Chapter 58 and deletes references to the *transportation of pyrotechnics* from this act's provisions. Deletes proposed GS 14-410.1 (*Pyrotechnics display operator permit*) and incorporates its substantive provisions into new GS 58-82A-3 with the catch line, *Display operator permit*. Makes conforming changes to GS 14-410. Requires an individual to obtain a display operator permit issued by the Fire Marshal to exhibit, use, handle, or discharge (was, the Fire Marshal may issue a display operator permit to an individual to exhibit, use, handle, discharge or transport pyrotechnics under GS 14-410) pyrotechnics at a concert or a public exhibition in this state. Expands the conditions to be met by an individual seeking a display operator permit to require that the individual pay the cost of the examination and an application fee not to exceed \$100 [was, pay fee under GS 58-82A-2(b)] and makes a conforming deletion in GS 58-82A-2(b). Provides that the Fire Marshal may refuse to issue a permit or may revoke a permit if the display operator is convicted of a crime under Article 54 of GS Chapter 14 (was, a crime under GS 14-415).

Amends proposed GS 58-82A-1 to change the catch line to *State Fire Marshal establish pyrotechnic safety guidelines* (was, *Authority of State Fire Marshal to develop training standards and issue permits for handling pyrotechnics*). Directs the Fire Marshal in consultation with the State Fire and Rescue Commission (deletes, and others in the discretion of the Fire Marshal) to establish guidelines, testing, and training requirements (was, mandatory minimum guidelines, testing and training requirements) for individuals who *assist a display operator with the* exhibition, use, handling or discharging of pyrotechnics for a concert or public exhibition or individuals seeking a display operator permit. Provides that the definitions in GS 14-410 apply in new Article 82A in GS Chapter 58.

Amends GS 58-82A-2 as follows. Changes the catch line to *Individual training requirements* (was, *Training: testing; fees*). Makes clarifying changes to provision prohibiting an individual from using, handling, exhibiting, or discharging pyrotechnics in connection with a concert or a public exhibition unless the individual has successfully completed the training approved or offered through the Office of the State Fire Marshal, or meets all of the specified conditions, including having the professional qualifications required by the Fire Marshal or those required by the jurisdiction where the permit is being sought, whichever is greater. Prohibits the Fire Marshal from setting qualifications that are less than the voluntary minimum professional qualifications established by the State Fire and Rescue Commission under GS 58-78-5 for all levels of fire and rescue service personnel.

Deletes provision providing for a fee waiver for the issuance of a display operator permit to individuals meeting certain qualifications. Deletes requirement that the Fire Marshal approve an exam for those seeking a display operator permit.

Changes the effective date of the act to July 1, 2010 (was, January 2, 2010) and applies to offenses committed on or after that date. Makes technical changes.

August 4, 2009

S 563. PYROTECHNICS SAFETY PERMITTING ACT. Filed 3/11/09. House committee substitute makes the following changes to 3rd edition. Amends GS 14-410 to add the manufacture of pyrotechnics to those permissible pyrotechnic activities in this state, providing that the specified requirements are met. Also amends proposed GS 58-82A-3 to require that an individual obtain a display operator permit issued by the State Fire Marshall in order to

manufacture pyrotechnics within the state. Provides that a display operator permit is valid for three years (was, two years). Clarifies that an individual seeking a permit must pay an application fee that is not more than \$100 and pay a cost for the examination that does not exceed \$100.

August 6, 2009

S 563. PYROTECHNICS SAFETY PERMITTING ACT. Filed 3/11/09. House committee substitute makes the following changes to 4th edition. Amends proposed GS 58-82A-3 to delete that the cost of examination for an applicant seeking a display operator permit must not exceed \$100. Also makes a technical change. Changes the effective date to February 1, 2010 (was, July 1, 2010).

September 1, 2009

SL 2009-507 (S 563). PYROTECHNICS SAFETY PERMITTING ACT. AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA. Summarized in *Daily Bulletin* 7/22/09, 7/23/09, 8/4/09, and 8/6/09. Enacted August 26, 2009. Effective February 1, 2010.