

**FIRE CODE AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code by authorizing the state fire marshal to license firms and certify individuals who service portable fire extinguishers or fire suppression systems and to certify individuals who handle liquified petroleum gas.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the state fire marshal to license firms that service portable fire extinguishers or fire suppression systems;
- ▶ authorizes the state fire marshal to certify individuals who service portable fire extinguishers or fire suppression systems;
- ▶ provides that the Fire Prevention Board shall make rules regarding the application process for licensure or certification of firms or individuals who service portable fire extinguishers or fire suppression systems; and
- ▶ authorizes the State Fire Marshal Division to provide forms and recommendations for certification regarding handling liquefied petroleum gas, in addition to licensure.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 53-7-202, as last amended by Laws of Utah 2011, Chapter 13

30 53-7-216, as last amended by Laws of Utah 2009, Chapter 183

31 53-7-307, as renumbered and amended by Laws of Utah 1993, Chapter 234



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 53-7-202 is amended to read:

35 **53-7-202. Definitions.**

36 As used in this part:

37 (1) "Agricultural and wildlife fireworks" means a class C dangerous explosive that:

38 (a) uses sound or light when deployed; and

39 (b) is designated to prevent crop damage or unwanted animals from entering a

40 specified area.

41 (2) "Class A explosive" means a division 1.1 or 1.2 explosive as defined by the United  
42 States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

43 (3) "Class B explosive" means a division 1.2 or 1.3G explosive as defined by the  
44 United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

45 (4) "Class C explosive" means a division 1.4G explosive as defined by the United  
46 States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

47 (5) "Class C common state approved explosive" means a firework that:

48 (a) is purchased at retail for use by a consumer; and

49 (b) is not a Class C dangerous explosive.

50 (6) (a) "Class C dangerous explosive" means a class C explosive that is:

51 (i) a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar  
52 explosive;

53 (ii) (A) a skyrocket;

54 (B) a missile type rocket;

55 (C) a single shot, or reloadable aerial shell; or

56 (D) a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C),

57 including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500  
58 grams of pyrotechnic composition; or

- 59 (iii) (A) a bottle rocket;
- 60 (B) a roman candle;
- 61 (C) a rocket mounted on a wire or stick; or
- 62 (D) a device containing a rocket described in this Subsection (6)(a)(iii).
- 63 (b) A "class C dangerous explosive" does not mean exempt explosives.
- 64 (7) "Commercial cooking appliance fire suppression system":
- 65 (a) means an automatic or manual fire protection system designed for commercial
- 66 cooking appliances, exhaust hoods, and ducts; and
- 67 (b) includes a commercial kitchen exhaust system attached to a fire suppression system
- 68 that is designed to remove smoke, soot, toxic gases, and grease-laden vapor resulting from
- 69 cooking operations.
- 70 [~~7~~] (8) (a) "Display fireworks" means large firework devices that consist of explosive
- 71 materials that are intended for use in outdoor aerial fireworks displays to produce visible or
- 72 audible effects by combustion, deflagration, or detonation.
- 73 (b) "Display fireworks" includes aerial shells, salutes, roman candles, flash shells,
- 74 comets, mines, and other similar explosives.
- 75 [~~8~~] (9) (a) "Display operator" means a person licensed under Section 53-7-223 and
- 76 who is responsible for site selection, setting up, permits, overseeing assistants and support
- 77 personnel, and discharging display fireworks outdoors in situations where the audience
- 78 maintains a specific distance separating it from the display fireworks being discharged.
- 79 (b) "Display operator" does not mean a fire department.
- 80 [~~9~~] (10) "Exempt explosive" means a model rocket, toy pistol cap, emergency signal
- 81 flare, snake or glow worm, party popper, trick noisemaker, match, and wire sparkler under 12
- 82 inches in length.
- 83 (11) "Fire extinguisher" means a portable or stationary device that discharges water,
- 84 foam, gas, or other material to extinguish a fire.
- 85 (12) "Fire suppression system" means an automatic fire protection system that
- 86 automatically detects fire and discharges a fire extinguishing agent onto or in the area of the
- 87 fire.
- 88 [~~10~~] (13) (a) "Fireworks" means:
- 89 (i) class C explosives;

90 (ii) class C dangerous explosives; and  
91 (iii) class C common state approved explosives.

92 (b) "Fireworks" does not mean:

- 93 (i) exempt explosives;
- 94 (ii) class A explosives; or
- 95 (iii) class B explosives.

96 ~~[(11)]~~ (14) "Flame effects" means the combustion of flammable solids, liquids, or  
97 gases to produce thermal, physical, visual, or audible phenomena before an audience.

98 ~~[(12)]~~ (15) (a) "Flame effects operator" means a person licensed under Section  
99 53-7-223 who, regarding flame effects, is responsible for:

100 (i) storage, setup, operations, teardown, devices, equipment, overseeing assistants and  
101 support personnel, and preventing accidental discharge; and

102 (ii) completion of the sequence of control system functions that release the fuel for  
103 ignition to cause combustion and create the flame effects.

104 (b) (i) "Flame effects operator" does not include a person who participates in a  
105 meeting, as limited under Subsection ~~[(12)]~~ (15)(b)(ii), with other persons solely to receive  
106 training, to practice, or provide instruction regarding flame effects performance.

107 (ii) A meeting under Subsection ~~[(12)]~~ (15)(b)(i) may include a nonpaying and  
108 unsolicited audience of not more than 25 persons.

109 ~~[(13)]~~ (16) "Importer" means a person who brings class B or class C explosives into  
110 Utah for the general purpose of:

- 111 (a) resale or use within the state; or
- 112 (b) exportation to other states.

113 ~~[(14)]~~ (17) (a) "Pyrotechnic" means any composition or device manufactured or used to  
114 produce a visible or audible effect by combustion, deflagration, or detonation.

115 (b) "Pyrotechnic" does not mean exempt explosives.

116 ~~[(15)]~~ (18) "Retail seller" means a person who sells class C common state approved  
117 explosives to the public during the period authorized under Section 53-7-225.

118 (19) "Service" means the inspection, maintenance, repair, modification, testing, or  
119 cleaning of an automatic fire suppression system.

120 ~~[(16)]~~ (20) "Special effects" means a visual or audible effect caused by chemical

121 mixtures that produce a controlled, self-sustaining, and self-controlled exothermic chemical  
122 reaction that results in heat, gas, sound, or light and may also create an illusion.

123 ~~[(17)]~~ (21) "Special effects operator" means a person licensed under Section 53-7-223  
124 who is responsible for setting up, permits, overseeing assistants and support personnel,  
125 analyzing potential hazards, setting clearances, and discharging pyrotechnic devices, either  
126 indoor or outdoor, where the audience is allowed to be in closer proximity to the pyrotechnic  
127 devices than the audience separation distance generally required for display fireworks.

128 ~~[(18)]~~ (22) "Trick noisemaker" includes a:

129 (a) tube or sphere containing pyrotechnic composition that produces a white or colored  
130 smoke as its primary effect when ignited; and

131 (b) device that produces a small report intended to surprise the user, including a:

132 (i) "booby trap," which is a small tube with a string protruding from both ends that  
133 ignites the friction sensitive composition in the tube when the string is pulled;

134 (ii) "snapper," which is a small paper-wrapped device containing a minute quantity of  
135 explosive composition coated on bits of sand that explodes producing a small report;

136 (iii) "trick match," which is a kitchen or book match coated with a small quantity of  
137 explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

138 (iv) "cigarette load," which is a small wooden peg coated with a small quantity of  
139 explosive composition that produces a small report when ignited; and

140 (v) "auto burglar alarm," which is a tube that:

141 (A) contains pyrotechnic composition that produces a loud whistle and smoke when  
142 ignited;

143 (B) may contain a small quantity of explosive to produce a small explosive noise; and

144 (C) is ignited by a squib.

145 ~~[(19)]~~ (23) "Unclassified fireworks" means:

146 (a) a pyrotechnic device that is used, given away, or offered for sale, that has not been  
147 tested, approved, and classified by the United States Department of Transportation;

148 (b) an approved device that has been altered or redesigned since obtaining approval by  
149 the United States Department of Transportation; and

150 (c) a pyrotechnic device that is being tested by a manufacturer, importer, or wholesaler  
151 before receiving approval by the United States Department of Transportation.

152 [~~(20)~~] (24) "Wholesaler" means:

153 (a) a person who sells class C common state approved explosives to a retailer; or

154 (b) a person who sells class B explosives or class C dangerous explosives for display  
155 use.

156 Section 2. Section 53-7-216 is amended to read:

157 **53-7-216. Portable fire extinguishers and fire suppression systems -- Certification**  
158 **and licensure required to service.**

159 (1) Each firm engaged in the business of servicing portable fire extinguishers or  
160 automatic fire suppression systems that automatically detect fire and discharge an approved fire  
161 extinguishing agent onto or in the area of the fire shall be [~~certified~~] licensed by the state fire  
162 marshal.

163 [~~(2) An application for certification shall be in writing, on forms prescribed by the~~  
164 ~~board, and require evidence of competency.]~~

165 (2) Each person who services portable fire extinguishers or fire suppression systems  
166 that discharge an approved fire extinguishing agent onto or in the area of the fire shall be  
167 certified by the state fire marshal.

168 (3) The board shall by rule prescribe an application form and standards for licensure or  
169 certification qualification and for renewal and revocation.

170 (4) Applicants for licensure or certification shall:

171 (a) submit a written application on the form prescribed by the board;

172 (b) provide evidence of competency as required by the board; and

173 (c) submit the fee established under Subsection (5).

174 [~~(3)~~] (5) The board may establish a fee under Section 63J-1-504 to be paid upon  
175 application for licensure or certification.

176 [~~(4)~~] (6) This section does not apply to standpipe systems, deluge systems, or automatic  
177 fire sprinkler systems.

178 Section 3. Section 53-7-307 is amended to read:

179 **53-7-307. Duties of the division.**

180 The division shall:

181 (1) prescribe the method and form to apply for, or renew, a LPG license or certificate,  
182 with the approval of the board;

183 (2) investigate the experience, reputation, and background of applicants and persons  
184 who hold a license or certificate and who are applying for renewal;

185 (3) recommend to the board issuing, renewing, suspending, revoking, and denying  
186 licenses or certificates;

187 (4) assist the board in conducting hearings in connection with the applications for,  
188 renewal of, suspension of, or revocation of, licenses or certificates;

189 (5) submit to the governor a biennial report before September 1 of each even-numbered  
190 year, covering the board's transactions during the biennium ending June 30 of that year,  
191 including a complete statement of the receipts and expenditures of the board during that period;

192 (6) keep accurate records and minutes of all meetings, which shall be open to public  
193 inspection at all reasonable times, and keep a public record of all applications for licenses and  
194 licenses issued by the board;

195 (7) conduct examinations of every license applicant to determine the responsibility,  
196 ability, knowledge, experience, or other qualifications of the applicant for a license;

197 (8) require competency testing for all employees and subcontractors of licensees  
198 engaged in transporting or dispensing LPG or installing, servicing, or repairing an LPG fueling  
199 or carburetion system under this part;

200 (9) prepare applications, collect fees, and issue licenses for any facility that handles  
201 LPG;

202 (10) provide for or direct the inspection of the site of any facility that stores, dispenses,  
203 services, or handles LPG;

204 (11) provide inspections to any facility where a qualified authority does not exist; and

205 (12) prepare and administer examinations, collect fees, and issue LPG certificates to  
206 personnel who handle or work with LPG.

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**Legislative Review Note**  
**as of 2-22-13 5:19 PM**

**Office of Legislative Research and General Counsel**