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HOUSE BILL NO. 1162

Offered January 13, 2010

Prefiled January 13, 2010

A *BILL to amend and reenact §§ 27-97 and 27-97.2 of the Code of Virginia, relating to the Statewide Fire Prevention Code; certification of pyrotechnicians and fireworks operators.*

 Patron—Cosgrove

 Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 27-97 and 27-97.2 of the Code of Virginia are amended and reenacted as follows:****§ 27-97. Adoption of Fire Prevention Code.**

The Board of Housing and Community Development is hereby empowered to adopt and promulgate a Statewide Fire Prevention Code which shall be cooperatively developed with the Fire Services Board pursuant to procedures agreed to by the two Boards. The Fire Prevention Code shall prescribe regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and shall provide for the administration and enforcement of such regulations. The Fire Prevention Code shall require manufacturers of fireworks or explosives, as defined in the Code, to register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with regulations adopted by the Board. In addition to conducting criminal background checks pursuant to § 27-97.2, the Board shall also establish regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. In the enforcement of such regulations, the enforcing agency may issue annual permits for such activities to any state regulated public utility. Such permits shall not apply to the storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1.

The Fire Prevention Code shall prohibit any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality. The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code. *The Fire Prevention Code shall prohibit any person not certified by the State Fire Marshal's Office as a pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors.*

In formulating the Fire Prevention Code, the Board shall have due regard for generally accepted standards as recommended by nationally recognized organizations including, but not limited to, standards of the International Code Council, the National Fire Protection Association, and recognized organizations issuing standards for the protection of the public from the hazards of explosives and blasting agents. Such standards shall be based on the companion document to the model building code referenced by the Uniform Statewide Building Code.

The Fire Prevention Code shall require that buildings constructed prior to 1973 be maintained in accordance with state fire and public building regulations in effect prior to March 31, 1986, and that any building which is (i) more than 75 feet or more than six stories high and (ii) used, in whole or in part, as a dormitory to house students by any public or private institution of higher education shall be required to comply with the provisions of § 36-99.3. The Fire Prevention Code shall also require annual fire drills in all buildings having floors used for human occupancy located more than 75 feet above the lowest level of fire department vehicle access. The drills shall be conducted by building staff personnel or the owner of the building in accordance with a plan approved by the appropriate fire official and shall not affect other current occupants. The Board may modify, amend or repeal any Code provisions as the public interest requires. Any such Code changes shall be developed in cooperation with the Fire Services Board pursuant to procedures agreed to by the two Boards.

§ 27-97.2. Issuance of permit; background investigations.

INTRODUCED

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59 A. The State Fire Marshal or other issuing authority shall consider all permit applications for
60 manufacturing, storage, handling, use or sales of explosives and applications for certification as a blaster,
61 *pyrotechnician or fireworks operator*, and may grant a valid permit or certification to applicants who
62 meet the criteria established in the Statewide Fire Prevention Code. The State Fire Marshal shall require
63 a background investigation, to include a national criminal history record information check, of all
64 individual applicants and all designated persons representing an applicant that is not an individual, for a
65 permit to manufacture, store, handle, use or sell explosives, and for any applicant for certification as a
66 blaster, *pyrotechnician or fireworks operator*. Each such applicant shall submit his fingerprints to the
67 State Fire Marshal on a form provided by the State Fire Marshal and provide personal descriptive
68 information to be forwarded along with the applicant's fingerprints through the Central Criminal Records
69 Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal history
70 record check regarding such applicant. Any firm or company manufacturing, storing, using, or selling
71 explosives shall provide to the enforcement agency, the State Fire Marshal or other issuing authority the
72 name of a representative responsible for (i) ensuring compliance with state law and regulations relating
73 to blasting agents and explosives and (ii) applying for permits. The State Fire Marshal or other issuing
74 authority shall deny any application for a permit or for certification as a blaster, *pyrotechnician or*
75 *fireworks operator* if the applicant or designated person representing an applicant has been convicted of
76 any felony, whether such conviction occurred under the laws of the Commonwealth, or any other state,
77 the District of Columbia, the United States or any territory thereof, unless his civil rights have been
78 restored by the Governor or other appropriate authority.

79 B. No permit under this section shall be required of any person holding a certification or permit
80 issued pursuant to the provisions of Title 45.1.