



Senate

General Assembly

File No. 222

January Session, 2011

Substitute Senate Bill No. 968

Senate, March 28, 2011

The Committee on Public Safety and Security reported through SEN. HARTLEY of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REGULATING SPECIAL EFFECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2013*) (a) The State Fire Marshal
2 shall adopt regulations, in accordance with chapter 54 of the general
3 statutes, for the granting of permits for supervised displays of special
4 effects by municipalities, fair associations, amusement parks, other
5 organizations or groups of individuals or artisans in pursuit of their
6 trade. Such special effects shall include those produced by
7 pyrotechnics, as described in section 29-357 of the general statutes, as
8 amended by this act, including sparklers and fountains, and flame-
9 producing devices before audiences at indoor or outdoor venues. Such
10 regulations shall also contain provisions for determining the
11 competency of those applying for a permit to fire such special effects.

12 (b) An applicant for a permit, described in subsection (a) of this
13 section, shall submit a written application at least fifteen days prior to
14 the date of display, on such notice as the State Fire Marshal by

15 regulation prescribes, on forms furnished by the State Fire Marshal.
16 The fee for such application shall be one hundred dollars, made
17 payable to the State Treasurer. Before the State Fire Marshal grants any
18 such permit, (1) the fire marshal for the municipality where the
19 intended display is to be held shall inspect the site intended for the
20 display to determine compliance with the requirements of such
21 regulations, and (2) the chiefs of the police and fire departments or, if
22 there is no police or fire department, the chief executive officer of the
23 municipality where the intended display is to be held shall endorse the
24 site's intended use. Such display shall be of such a character and so
25 located, discharged or fired as in the opinion of the chiefs of the police
26 and fire departments or chief executive officer, after proper inspection,
27 will not be hazardous to property or endanger any person or persons.
28 After such permit has been granted, the possession of pyrotechnics
29 and use of such special effects for such display shall be lawful for that
30 purpose only. No permit granted pursuant to this section shall be
31 transferable. The State Fire Marshal or the local fire marshal may
32 suspend or revoke any such permit if the permittee violates any
33 provision of the general statutes, any regulation or any ordinance
34 relating to special effects.

35 (c) No display, pursuant to subsection (a) of this section shall be
36 handled or fired by any person unless under the supervision of a
37 person who has been granted a certificate of competency for special
38 effects by the State Fire Marshal. The fee for such certificate shall be
39 two hundred dollars, made payable to the State Treasurer. Such
40 certificate may be renewed every three years upon payment of a fee of
41 one hundred ninety dollars to the State Treasurer. Such certificate of
42 competency shall attest to the fact that such person is competent to
43 supervise the operation and firing of such special effects. The State Fire
44 Marshal may suspend or revoke such certificate at any time for cause.

45 (d) The State Fire Marshal may grant, in writing, variations or
46 exemptions from, or approve equivalent or alternate compliance with,
47 particular provisions of any regulation issued under the provisions of
48 subsection (a) of this section where strict compliance with such

49 provisions would entail practical difficulty or unnecessary hardship or
50 is otherwise adjudged unwarranted, provided any such variation,
51 exemption, approved equivalent or alternate compliance shall, in the
52 opinion of the State Fire Marshal, secure the public safety.

53 (e) Any person, firm or corporation violating the provisions of
54 subsection (a) of this section shall be fined not more than five hundred
55 dollars or be imprisoned not more than ninety days, or be both fined
56 and imprisoned. Any person, firm or corporation violating the
57 provisions of subsection (b) or (c) of this section or any regulation
58 adopted pursuant to subsection (a) of this section shall be fined not
59 more than two thousand dollars or imprisoned not more than one year
60 or be both fined and imprisoned, except if death or injury results from
61 any such violation, such person, firm or corporation shall be fined not
62 more than ten thousand dollars or imprisoned not more than ten years,
63 or be both fined and imprisoned.

64 Sec. 2. Subsections (a) and (b) of section 29-357 of the general
65 statutes, as amended by section 17 of public act 09-177 and section 6 of
66 public act 10-54, are repealed and the following is substituted in lieu
67 thereof (*Effective January 1, 2013*):

68 (a) Except as provided in subsection (b) of this section and section 1
69 of this act, no person, firm or corporation shall offer for sale, expose for
70 sale, sell at retail or use or explode or possess with intent to sell, use or
71 explode any fireworks. A person who is sixteen years of age or older
72 may offer for sale, expose for sale, sell at retail, purchase, use or
73 possess with intent to sell or use sparklers or fountains of not more
74 than one hundred grams of pyrotechnic mixture per item, which are
75 nonexplosive and nonaerial, provided (1) such sparklers and fountains
76 do not contain magnesium, except for magnalium or magnesium-
77 aluminum alloy, (2) such sparklers and fountains containing any
78 chlorate or perchlorate salts do not exceed five grams of composition
79 per item, and (3) when more than one fountain is mounted on a
80 common base, the total pyrotechnic composition does not exceed two
81 hundred grams.

82 (b) The State Fire Marshal shall adopt reasonable regulations, in
83 accordance with chapter 54, for the granting of permits for supervised
84 displays of fireworks [or for the indoor use of pyrotechnics, sparklers
85 and fountains for special effects] by municipalities, fair associations,
86 amusement parks, other organizations or groups of individuals or
87 artisans in pursuit of their trade. Such permit may be issued upon
88 application to [said] the State Fire Marshal and after (1) inspection of
89 the site of such display or use by the local fire marshal to determine
90 compliance with the requirements of such regulations, and (2)
91 approval of the chiefs of the police and fire departments, or, if there is
92 no police or fire department, of the first selectman, of the municipality
93 [wherein] in which the display is to be held as is provided in this
94 section. No such display shall be handled or fired by any person until
95 such person has been granted a certificate of competency by the State
96 Fire Marshal, in respect to which a fee of two hundred dollars shall be
97 payable to the State Treasurer when issued and which may be renewed
98 every three years upon payment of a fee of one hundred ninety dollars
99 to the State Treasurer, provided such certificate may be suspended or
100 revoked by said marshal at any time for cause. Such certificate of
101 competency shall attest to the fact that such operator is competent to
102 fire a display. Such display shall be of such a character and so located,
103 discharged or fired as in the opinion of the chiefs of the police and fire
104 departments or such selectman, after proper inspection, will not be
105 hazardous to property or endanger any person or persons. In an aerial
106 bomb, no salute, report or maroon may be used that is composed of a
107 formula of chlorate of potash, sulphur, black needle antimony and
108 dark aluminum. Formulas that may be used in a salute, report or
109 maroon are as follows: (A) Perchlorate of potash, black needle
110 antimony and dark aluminum, and (B) perchlorate of potash, dark
111 aluminum and sulphur. No high explosive such as dynamite,
112 fulminate of mercury or other stimulator for detonating shall be used
113 in any aerial bomb or other pyrotechnics. Application for permits shall
114 be made in writing at least fifteen days prior to the date of display, on
115 such notice as the State Fire Marshal by regulation prescribes, on forms
116 furnished by the State Fire Marshal, and a fee of one hundred dollars

117 shall be payable to the State Treasurer with each such application.
118 After such permit has been granted, sales, possession, use and
119 distribution of fireworks for such display shall be lawful for that
120 purpose only. No permit granted [hereunder] under this section shall
121 be transferable. Any permit issued under the provisions of this section
122 may be suspended or revoked by the State Fire Marshal or the local
123 fire marshal for violation by the permittee of any provision of the
124 general statutes, any regulation or any ordinance relating to fireworks.

125 Sec. 3. Section 29-360 of the general statutes is repealed and the
126 following is substituted in lieu thereof (*Effective January 1, 2013*):

127 No permit shall be issued under the provisions of section 29-357, as
128 amended by this act, or section 1 of this act to a nonresident person,
129 firm or corporation conducting a fireworks or special effects display in
130 this state until such person, firm or corporation has appointed in
131 writing the Secretary of the State and [his] the secretary's successors in
132 office to be [his] such person, firm or corporation's attorney upon
133 whom all process in any action or proceeding against [him] such
134 person, firm or corporation may be served; and in such writing such
135 person, firm or corporation shall agree that any process against such
136 person, firm or corporation which is served on [said] the secretary
137 shall be of the same legal force and validity as if served on the person,
138 firm or corporation, and that such appointment shall continue in force
139 as long as any liability remains outstanding against such person, firm
140 or corporation in this state. Such written appointment shall be
141 acknowledged before some officer authorized to take
142 acknowledgments of deeds and shall be filed in the office of [said] the
143 secretary. Copies certified by [him] the secretary shall be sufficient
144 evidence of such appointment and agreement. Service upon [said]
145 such attorney shall be sufficient service upon the principal, and shall
146 be made by leaving an attested copy of the process with the Secretary
147 of the State at [his] the secretary's office, or with any clerk having
148 charge of the Corporations Division of said office. When legal process
149 against any person, firm or corporation is served upon the Secretary of
150 the State under this section, [he] the secretary shall immediately notify

151 such person, firm or corporation by mail and shall, within two days
 152 after such service, forward in the same manner a copy of the process
 153 served on [him] the secretary to such person, firm or corporation or to
 154 any person designated in writing by such person, firm or corporation.
 155 The plaintiff in the process so served shall pay to the secretary, at the
 156 time of service, a fee of one and one-half dollars for each page, and in
 157 no case less than five dollars, which shall be recovered by [him] the
 158 plaintiff as part of his or her taxable costs if [he] the plaintiff prevails in
 159 such suit. The secretary shall keep a record of all process served [upon
 160 him] in accordance with this section, which record shall show the date
 161 and the hour when such service was made.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	New section
Sec. 2	<i>January 1, 2013</i>	29-357(a) and (b)
Sec. 3	<i>January 1, 2013</i>	29-360

Statement of Legislative Commissioners:

In section 1(a), "those persons" was changed to "those applying for a permit" for clarity.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Public Safety, Dept.	GF - Revenue Gain	None	1,000

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill, which allows the Department of Public Safety to permit and regulate supervised displays of special effects, results in a revenue gain of \$1,000 in FY 13. The revenue gain stems from the anticipated increase in shows utilizing flammable gases or liquids, which currently are not permissible by law.

The bill establishes a \$100 permit fee to conduct a supervised display of special effects. It is anticipated that there would be approximately four displays annually which would result in \$400 per year in revenue.

The bill also requires supervisors to be certified as competent for special effects. It is anticipated that the bill would result in approximately three additional applications for certificates. The bill establishes the application fee for a certificate at \$200. The estimated revenue from the certificates is \$600.

The Out Years

The annualized ongoing fiscal impact of the certificate fee would be \$570 in FY 16 and every three years thereafter. The bill requires the certificate to be renewed every three years at \$190 for each renewal. The fiscal impact from both the certificate fee and the \$100 display fee

would remain relatively constant into the future since fees are set by statute.

Source: Office State Fire Marshal, Department of Public Safety

OLR Bill Analysis**sSB 968*****AN ACT REGULATING SPECIAL EFFECTS.*****SUMMARY:**

This bill creates a separate permitting and regulatory process for supervised displays of special effects, paralleling the process in current law for supervised fireworks displays. It requires the state fire marshal to adopt regulations governing all supervised displays of special effects, not just their indoor use. The bill applies to municipalities, fair associations, amusement parks, and other organizations or groups of individuals or artisans in pursuit of their trade.

The bill requires a \$100 permit from the state fire marshal to conduct a supervised special effects display. It requires (1) anyone handling or firing such a display to be supervised and (2) supervisors to be certified as competent by the state fire marshal. The initial certificate costs \$200 and is renewable every three years for \$190.

The bill extends the criminal penalties for violations of the current laws and regulations governing fireworks to violators of the bill. Finally, it makes minor related, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2013

SPECIAL EFFECTS

Under current law, the state fire marshal must adopt regulations for issuing permits for supervised fireworks displays or for indoor use of pyrotechnics, sparklers, and fountains for special effects.

The bill defines "special effects" to include "those produced by pyrotechnics, including sparklers, fountains, and flame producing devices before audiences at indoor or outdoor venues." And it creates

a permitting and regulatory process for supervised special effects displays separate from, but paralleling, the current process for supervised fireworks.

The bill requires the state fire marshal to adopt regulations for issuing permits for the supervised display of special effects, not just for the indoor use of pyrotechnics, sparklers, and fountains for special effects. And it requires that the regulations contain provisions for determining the competence of those applying for a permit.

Permit Application

An applicant for a permit must submit a written application at least 15 days before the date of the special effects display on such forms as the state fire marshal prescribes in regulation.

Before the state fire marshal grants the permit, (1) the fire marshal for the municipality where the display is to take place must inspect the display site to determine compliance with the regulations, and (2) the municipality's police and fire chief, or the chief executive officer, where there is no police or fire department, must endorse the intended use.

The display must be of such a character and located, discharged, or fired in a way that, in the chiefs' opinion, after proper inspection, will not be hazardous to property or endanger anyone. The possession of pyrotechnics and use of special effects for a display is lawful only for the purpose granted.

The permit is not transferrable. The fire marshal may suspend or revoke it for a violation of any pertinent law, regulation, or ordinance regulating special effects. The permit fee is \$100, payable to the state treasurer.

Certificate of Competency

The bill requires anyone handling or firing a special effects display to be supervised by a person who obtained a competency certificate for special effects from the state fire marshal, attesting to his or her

competence to supervise the operation and firing of special effects.

The fee for the certificate is \$200, payable to the state treasurer. It is renewable every three years for \$190. The state fire marshal may suspend or revoke it for cause.

Variations and Exemptions

The bill allows the state fire marshal to grant requests for exemptions, variations, or alternative or equivalent compliance when he determines that strict compliance is unwarranted or would entail practical difficulty or unnecessary hardship. Any variation, exemption, or alternative compliance must ensure public safety.

Violations

The bill imposes penalties for a violation of subsection (a) of Section 1, which requires the state fire marshal to adopt regulations (see COMMENT). It subjects to a fine of \$2,000, imprisonment of up to one year, or both any person, firm, or corporation that:

1. fires or uses a display without a required permit,
2. uses or possesses pyrotechnics for any purpose other than for which a permit was granted,
3. handles or fires a special effects display while not supervised by someone with a competency certificate, or
4. otherwise violates the certificate or permitting process.

If death or injury results from a violation, the penalty is a fine of up to \$10,000, imprisonment for up to 10 years, or both.

Service of Process

The bill prohibits issuing a permit for special effects to a nonresident unless the applicant has appointed the secretary of the state to receive service of process on the permittee's behalf. Current law imposes the same prohibition on permits to nonresidents for fireworks and indoor special effects.

COMMENT

The bill (§ 1(e)) contains a criminal penalty for a violation of § 1(a).
But § 1(a) deals with the adoption of regulations.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 2 (03/08/2011)