

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 563  
State and Local Government Committee Substitute Adopted 7/22/09

Short Title: Pyrotechnics Safety Permitting Act.

(Public)

Sponsors:

Referred to:

March 12, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-410 reads as rewritten:

"§ 14-410. **Manufacture, sale and use of pyrotechnics prohibited; exceptions; permit required; sale to persons under the age of 16 prohibited.**

(a) ~~It-Except as otherwise provided in this section, it shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use-use, handle, exhibit, or cause to be discharged-discharge any pyrotechnics of any description whatsoever within the State of North Carolina: provided, however, that it~~Carolina.

(a1) ~~It shall be permissible for pyrotechnics to be transported, exhibited, used-used, handled, or discharged at concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations: provided, further, that the use of said pyrotechnics in connection with concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, shall be under supervision of experts within the State, provided all of the following apply:~~

(1) ~~The exhibition, use, or discharge is at a concert or public exhibition.~~

(2) ~~All individuals who transport, exhibit, use, handle, or discharge pyrotechnics in connection with a concert or public exhibition have completed the training required under G.S. 58-82A-2(a) and are under the direct supervision and control of a display operator who holds a display operator permit issued by the State Fire Marshal under G.S. 14-410.1. The display operator must be present at the concert or public exhibition and must personally direct all aspects of transporting, exhibiting, using, handling, or discharging the pyrotechnics.~~

(3) ~~The display operator has who have previously secured written authority under G.S. 14-413 from the board of county commissioners of the county, or the city if authorized under G.S. 14-413(a1), in which said pyrotechnics are to be exhibited, used or discharged. Written authority from the board of commissioners or city is not required, however, required under this subdivision for a concert or public exhibition authorized by provided the display operator has secured written authority from The University of North Carolina or the University of North Carolina at Chapel Hill under G.S. 14-413, and pyrotechnics are exhibited conducted-on lands or buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill, but such exhibition, use, or~~



1 discharge of pyrotechnics shall be under supervision of experts who have  
2 previously secured written authority from The University of North Carolina  
3 or the University of North Carolina at Chapel Hill.

4 (a2) Notwithstanding any provision of this section, it shall not be unlawful for a common  
5 carrier to receive, transport, and deliver pyrotechnics in the regular course of its business.

6 (a3) The requirements of this section apply to G.S. 14-413(b) and ~~G.S. 14-413(e) apply~~  
7 ~~to this section~~ G.S. 14-413(c).

8 (b) Notwithstanding the provisions of G.S. 14-414, it shall be unlawful for any  
9 individual, firm, partnership, or corporation to sell pyrotechnics as defined in G.S. 14-414(2),  
10 (3), (4)c., (5), or (6) to persons under the age of 16.

11 (c) As used in this Article, the following terms mean:

12 (1) Concert or public exhibition. – Includes fairs, carnivals, shows of all  
13 descriptions, and public celebrations.

14 (2) Display operator. – An individual issued a display operator permit under  
15 G.S. 14-410.1.

16 (3) State Fire Marshal. – As defined in G.S. 58-80-1."

17 **SECTION 2.** Article 54 of Chapter 14 of the General Statutes is amended by  
18 adding the following section to read:

19 **"§ 14-410.1. Pyrotechnics display operator permit.**

20 (a) The State Fire Marshal may issue a display operator permit to an individual to  
21 transport, exhibit, use, handle, or discharge pyrotechnics under G.S. 14-410 if all of the  
22 following apply:

23 (1) The individual is at least 21 years of age.

24 (2) On at least three occasions, the individual assisted with the exhibition, use,  
25 or display of pyrotechnics authorized under G.S. 14-413.

26 (3) The individual successfully completes the minimum training requirements  
27 established under G.S. 58-82A-2(a).

28 (4) The individual successfully passes an examination approved by the State  
29 Fire Marshal that demonstrates the individual has the knowledge to safely  
30 handle, store, and exhibit Class 1.3g and 1.4g pyrotechnics or otherwise  
31 provides satisfactory evidence of current certification by a third party  
32 acceptable to the State Fire Marshal.

33 (5) The individual pays the fee required under G.S. 58-82A-2(b).

34 (b) The State Fire Marshal may also issue a display operator permit to an individual  
35 who holds a permit or certification issued by another state provided the minimum requirements  
36 of that state are at least equal to the minimum requirements under this section and the person  
37 pays the fee required under G.S. 58-82A-2(b).

38 (c) A permit issued under this section shall be valid for two years unless revoked by the  
39 State Fire Marshal.

40 (d) The State Fire Marshal may refuse to issue a permit or may revoke a permit issued  
41 under this section if any of the following apply:

42 (1) The display operator violates any provision of this Article.

43 (2) The display operator violates any requirement of a permit issued under  
44 G.S. 14-413.

45 (3) The display operator fails to provide direct supervision and control over  
46 individuals who assist the permit operator transport, handle, use, exhibit, or  
47 display pyrotechnics.

48 (4) The display operator is convicted of a crime under G.S. 14-415.

49 (5) Another state revokes the permit or certification issued to that display  
50 operator by that state."

51 **SECTION 3.** G.S. 14-413 is amended by adding a new subsection to read:

