

ASSEMBLY BILL NO. 482—ASSEMBLYMEN CHOWNING, CEGAVSKE,
DE BRAGA, FREEMAN, OHRENSCHALL, ANDERSON, BEERS,
CARPENTER, CLABORN, GIBBONS, GIUNCHIGLIANI, GUSTAVSON,
HETTRICK, HUMKE, LESLIE, MANENDO, MARVEL, MCCLAIN,
MORTENSON, NOLAN, PARKS, PRICE, TIFFANY, VON TOBEL AND
WILLIAMS

MARCH 19, 2001

Referred to Concurrent Committees on Government Affairs
and Elections, Procedures, and Ethics

SUMMARY—Makes various changes relating to regulation of fireworks. (BDR 42-1024)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fireworks; requiring the state fire marshal to adopt regulations governing the types of fireworks that a local government may regulate; requiring regulations and ordinances adopted by certain local governments to be at least as restrictive as the regulations adopted by the state fire marshal; imposing civil liability under certain circumstances for the storage or use of fireworks; making the provisions of this act contingent upon the approval of the voters at the next general election; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** This act may be cited as the Safe and Sane Law to Regulate
- 2 Fireworks.
- 3 **Sec. 2.** NRS 474.160 is hereby amended to read as follows:
- 4 474.160 The board of directors shall:
- 5 1. Manage and conduct the business and affairs of the district.
- 6 2. Make and enforce all rules and regulations necessary for the
- 7 administration and government of the district and for the furnishing of fire
- 8 protection thereto, which may include regulations relating to fire
- 9 prevention. The regulations may include provisions that are designed to
- 10 protect life and property from:
- 11 (a) The hazards of fire and explosion resulting from the storage,
- 12 handling and use of hazardous substances, materials and devices; and



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1 (b) Hazardous conditions relating to the use or occupancy of any
2 premises.

3 Any regulation concerning hazardous substances, materials or devices
4 adopted pursuant to this section must be consistent with any plan or
5 ordinance concerning such substances, materials or devices that is required
6 by the Federal Government and has been adopted by a board of county
7 commissioners. *Any regulation prohibiting, restricting, suppressing or*
8 *otherwise regulating the manufacture, sale, use, storage or possession of*
9 *fireworks must be at least as restrictive as the regulations adopted by the*
10 *state fire marshal pursuant to chapter 477 of NRS.*

11 3. Organize, regulate, establish and disband fire companies,
12 departments or volunteer fire departments for the district.

13 4. Make and execute in the name of the district all necessary contracts.

14 5. Adopt a seal for the district to be used in the attestation of proper
15 documents.

16 6. Provide for the payment from the proper fund of all the debts and
17 just claims against the district.

18 7. Employ agents and employees for the district sufficient to maintain
19 and operate the property acquired for the purposes of the district.

20 8. Acquire real or personal property necessary for the purposes of the
21 district and dispose of that property when no longer needed.

22 9. Construct any necessary structures.

23 10. Acquire, hold and possess, either by donation or purchase, in the
24 name and on behalf of the district, any land or other property necessary for
25 the purpose of the district.

26 11. Eliminate and remove fire hazards within the district wherever
27 practicable and possible, whether on private or public premises, and to that
28 end the board may clear the public highways and private lands of dry grass,
29 stubble, brush, rubbish or other inflammable material in its judgment
30 constituting a fire hazard.

31 12. Perform all other acts necessary, proper and convenient to
32 accomplish the purposes of NRS 474.010 to 474.450, inclusive.

33 **Sec. 3.** Chapter 477 of NRS is hereby amended by adding thereto the
34 provisions set forth as sections 4 and 5 of this act.

35 **Sec. 4. 1.** *Except as otherwise provided in this section, the state fire*
36 *marshal shall adopt regulations relating to the types of fireworks that a*
37 *local government may regulate. The types of fireworks that the state fire*
38 *marshal may authorize must be listed in section 3.1 of Standard 87-1,*
39 *"Standard for Construction and Approval for Transportation of*
40 *Fireworks, Novelties and Theatrical Pyrotechnics," 1998 edition, adopted*
41 *by the American Pyrotechnics Association, except the state fire marshal*
42 *shall not authorize the types of fireworks listed in sections 3.1.2 and 3.1.3*
43 *of Standard 87-1.*

44 **2.** *The state fire marshal shall not adopt any regulations pursuant to*
45 *this section that regulate a device which contains no magnesium and*
46 *fewer than 100 grams of pyrotechnic composition.*

47 **3.** *The provisions of this section do not apply to commercial displays*
48 *of fireworks.*



1 4. As used in this section, "pyrotechnic composition" means any
2 combination of chemical elements or compounds capable of burning
3 independently of the oxygen in the atmosphere.

4 Sec. 5. 1. The state fire marshal has primary authority to enforce
5 the provisions of this chapter regarding fireworks or a regulation
6 adopted pursuant thereto.

7 2. A person who stores or uses fireworks in violation of the
8 provisions of this chapter or a regulation regarding fireworks adopted by
9 the state fire marshal pursuant to this chapter shall reimburse the state
10 fire marshal and any agency of the state or local government for the
11 costs incurred by the state fire marshal or agency to:

12 (a) Investigate any such violation.

13 (b) Suppress a fire resulting from the storage or use of fireworks.

14 (c) Confiscate and dispose of any fireworks stored or possessed in
15 violation of the provisions of this chapter or a regulation regarding
16 fireworks adopted by the state fire marshal.

17 3. The state fire marshal or any agency of this state or a local
18 government may institute a legal proceeding to enforce the provisions of
19 subsection 2.

20 Sec. 6. NRS 477.030 is hereby amended to read as follows:

21 477.030 1. Except as otherwise provided in this section, the state fire
22 marshal shall enforce all laws and adopt regulations relating to:

23 (a) The prevention of fire.

24 (b) The storage and use of:

25 (1) ~~{Combustibles, flammables and fireworks;}~~ *Fireworks for*
26 *commercial display, combustibles and flammables;* and

27 (2) Explosives in any commercial construction, but not in mining or
28 the control of avalanches,

29 under those circumstances that are not otherwise regulated by the division
30 of industrial relations of the department of business and industry pursuant
31 to NRS 618.890.

32 (c) The safety, access, means and adequacy of exit in case of fire from
33 mental and penal institutions, facilities for the care of children, foster
34 homes, residential facilities for groups, facilities for intermediate care,
35 nursing homes, hospitals, schools, all buildings, except private residences,
36 which are occupied for sleeping purposes, buildings used for public
37 assembly and all other buildings where large numbers of persons work, live
38 or congregate for any purpose. As used in this paragraph, "public
39 assembly" means a building or a portion of a building used for the
40 gathering together of 50 or more persons for purposes of deliberation,
41 education, instruction, worship, entertainment, amusement or awaiting
42 transportation, or the gathering together of 100 or more persons in
43 establishments for drinking or dining.

44 (d) The suppression and punishment of arson and fraudulent claims or
45 practices in connection with fire losses.



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1 *(e) Fireworks, in accordance with the provisions of section 4 of this*
2 *act.*

3 The regulations of the state fire marshal apply throughout the state, but,
4 except with respect to state-owned or state-occupied buildings, his
5 authority to enforce them or conduct investigations under this chapter does
6 not extend to a county whose population is 50,000 or more or which has
7 been converted into a consolidated municipality, except in those local
8 jurisdictions in those counties where he is requested to exercise that
9 authority by the chief officer of the organized fire department of that
10 jurisdiction.

11 2. The state fire marshal may set standards for equipment and
12 appliances pertaining to fire safety or to be used for fire protection within
13 this state, including the threads used on fire hose couplings and hydrant
14 fittings.

15 3. The state fire marshal shall cooperate with the state forester
16 firewarden in the preparation of regulations relating to standards for fire
17 retardant roofing materials pursuant to paragraph (e) of subsection 1 of
18 NRS 472.040.

19 4. The state fire marshal shall cooperate with the division of child and
20 family services of the department of human resources in establishing
21 reasonable minimum standards for overseeing the safety of , and directing
22 the means and adequacy of exit in case of fire from , family foster homes
23 and group foster homes.

24 5. The state fire marshal shall coordinate all activities conducted
25 pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money
26 allocated by the United States pursuant to that act.

27 6. Except as otherwise provided in subsection 10, the state fire marshal
28 shall:

29 (a) Investigate any fire which occurs in a county other than one whose
30 population is 50,000 or more or which has been converted into a
31 consolidated municipality, and from which a death results or which is of a
32 suspicious nature.

33 (b) Investigate any fire which occurs in a county whose population is
34 50,000 or more or which has been converted into a consolidated
35 municipality, and from which a death results or which is of a suspicious
36 nature, if requested to do so by the chief officer of the fire department in
37 whose jurisdiction the fire occurs.

38 (c) Cooperate with the commissioner of insurance in any investigation
39 of a fraudulent claim under an insurance policy for any fire of a suspicious
40 nature.

41 (d) Cooperate with any local fire department in the investigation of any
42 report received pursuant to NRS 629.045.

43 (e) Provide specialized training in investigating the causes of fires if
44 requested to do so by the chief officer of an organized fire department.

45 7. The state fire marshal shall put the National Fire Incident Reporting
46 System into effect throughout the state and publish at least annually a
47 summary of data collected under the system.



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1 8. The state fire marshal shall provide assistance and materials to local
2 authorities, upon request, for the establishment of programs for public
3 education and other fire prevention activities.

4 9. The state fire marshal shall:

- 5 (a) Assist in checking plans and specifications for construction;
6 (b) Provide specialized training to local fire departments; and
7 (c) Assist local governments in drafting regulations and
8 ordinances,
9 on request or as he deems necessary.

10 10. In a county other than one whose population is 50,000 or more or
11 which has been converted into a consolidated municipality, the state fire
12 marshal shall, upon request by a local government, delegate to the local
13 government by interlocal agreement all or a portion of his authority or
14 duties if the local government's personnel and programs are, as determined
15 by the state fire marshal, equally qualified to perform those functions. If a
16 local government fails to maintain the qualified personnel and programs in
17 accordance with such an agreement, the state fire marshal shall revoke the
18 agreement.

19 **Sec. 7.** NRS 244.367 is hereby amended to read as follows:

20 244.367 1. The board of county commissioners ~~{shall have power~~
21 ~~and jurisdiction in their respective counties to pass}~~ *may adopt* ordinances
22 prohibiting, restricting, suppressing or otherwise regulating the
23 *manufacture*, sale, use, storage and possession of fireworks, and providing
24 penalties for the violation thereof ~~+~~ *, if the ordinances are at least as*
25 *restrictive as the regulations adopted by the state fire marshal pursuant*
26 *to chapter 477 of NRS.*

27 2. An ordinance passed pursuant to subsection 1 must provide that any
28 license or permit that may be required for the sale of fireworks must be
29 issued by the licensing authority for:

30 (a) The county, if the fireworks are sold within the unincorporated areas
31 of the county; or

32 (b) A city located within the county, if the fireworks are sold within the
33 jurisdiction of that city.

34 **Sec. 8.** NRS 266.310 is hereby amended to read as follows:

35 266.310 The city council may:

36 1. Organize, regulate and maintain a fire department.

37 2. Prescribe the duties of the fire chief.

38 3. Designate arson investigators as peace officers.

39 4. Regulate or prohibit the storage of any explosive, combustible or
40 inflammable material in or transported through the city, and prescribe the
41 distance from any residential or commercial area where it may be kept.
42 Any ordinance adopted pursuant to this subsection that regulates places of
43 employment where explosives are stored must be at least as stringent as the
44 standards and procedures adopted by the division of industrial relations of
45 the department of business and industry pursuant to NRS 618.890.

46 5. *Adopt ordinances prohibiting, restricting, suppressing or*
47 *otherwise regulating the manufacture, sale, use, storage and possession*
48 *of fireworks, if the ordinances are at least as restrictive as the regulations*
49 *adopted by the state fire marshal pursuant to chapter 477 of NRS.*



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1 **6.** Establish, by ordinance, a fire code and other regulations necessary
2 to carry out the purposes of this section.
3 **Sec. 9.** NRS 269.220 is hereby amended to read as follows:
4 269.220 In addition to the powers and jurisdiction conferred by other
5 laws, the town board or board of county commissioners may regulate
6 ~~the~~ :
7 **1.** *The* storage of gunpowder and other explosive or combustible
8 materials ~~it~~ ; and
9 **2.** *The manufacture, sale, use, storage and possession of fireworks, if*
10 *the ordinances are at least as restrictive as the regulations adopted by the*
11 *state fire marshal pursuant to chapter 477 of NRS.*
12 Any ordinance adopted pursuant to this section that regulates places of
13 employment where explosives are stored must be at least as stringent as the
14 standards and procedures adopted by the division of industrial relations of
15 the department of business and industry pursuant to NRS 618.890.
16 **Sec. 10.** The secretary of state shall include on the ballot for the
17 general election held on November 5, 2002, the following question in
18 substantially the following form:
19 Shall the Nevada Legislature enact the Safe and Sane Law to Regulate
20 Fireworks?
21 **Sec. 11.** This act becomes effective on January 1, 2003, only if a
22 majority of the voters voting on the question submitted pursuant to section
23 10 of this act votes affirmatively.

