

**RULES AND REGULATIONS OF
THE SAFETY FIRE COMMISSIONER
CHAPTER 120-3-22
RULES AND REGULATIONS FOR MANUFACTURING, STORAGE, SALES,
EXHIBITIONS AND DISPLAYS OF FIREWORKS AND PYROTECHNICS**

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120-3-22-.01 Promulgation and Purpose.

(1) These Rules and Regulations for Fireworks are promulgated by the Georgia Safety Fire Commissioner pursuant to O.C.G.A. Sections 25-2-4 and 25-10-5.

(2) The purpose of these rules and regulations is to provide precautionary and protective techniques that are reasonable and practical measures for the prevention of injury to persons and property from the retail sales, distribution, manufacturing, storage, transportation, and use of Consumer Fireworks, Display Fireworks, and Pyrotechnic Articles as authorized pursuant to Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1, 33-2-9, and 50-13-21.

120-3-22-.02 Definitions.

The definitions contained herein are in addition to and in clarification of the definitions contained in the adopted codes and standards.

(1) "Commissioner" means the Georgia Safety Fire Commissioner.

(2) "Consumer fireworks" shall have the same meaning as set forth in O.C.G.A. § 25-10-1(a)(1). Consumer fireworks do not include those items listed in O.C.G.A. § 25-10-1(b).

(3) "Distributor" means any person, firm, corporation, association, or partnership which sells consumer fireworks directly to the consumer or to other distributors.

(4) "Fireworks distributor license" means the license issued by the Safety Fire Commissioner that a distributor must maintain in order to legally sell consumer fireworks.

(5) "Fireworks or Pyrotechnics Displays before a Proximate Audience" means any exhibition or display of fireworks that occurs within a building or structure or before an audience closer to the pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Display.

(6) "NFPA" means the National Fire Protection Association.

(7) "Nonprofit group" means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

(8) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee, or personal representative thereof.

(9) "Proper Identification" means a document issued by a governmental agency containing a description of the person or such person's photograph, or both, and giving such person's date of birth, including a passport, military identification card, driver's license, or identification card authorized under Code Sections 40-5-100 through 40-5-104.

(10) "Qualified Individual" means an individual including but not limited to a Georgia registered architect, a Georgia registered fire protection engineer, a Georgia registered professional engineer, a local building official, a local fire official, an individual certified as a Georgia certified fire inspector or an individual who has a national certification from a national codes organization acceptable to the State Fire Marshal.

(11) "Retail Chain" means a person, firm, corporation, association, or partnership with more than one store, where all such stores are collectively known to the public by the same name or share central management.

(12) "State Fire Marshal" means the State Fire Marshal of Georgia or his or her designee.

(13) "Wholesale" means the sale of consumer fireworks within the State of Georgia for resale by others.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.03 Submission of Plans for Storage Installations.

(1) Plans for all proposed storage facilities of fireworks or modifications of any existing storage facility shall be submitted to the Commissioner as required in Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

(a) At least two sets of plans for storage facilities shall be submitted, drawn to scale and shall be of sufficient clarity and detail to indicate the location, setting, construction, distances and such other information as necessary to indicate compliance with the requirements of this Chapter.

(b) The plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner or his designee.

(c) Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied by the mandatory plan review fee payable to the Commissioner.

(d) One set of plans shall be retained by the Commissioner and one copy shall be returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the construction site for inspection by authorized representatives of the Commissioner.

(e) Construction shall not commence until the plans have been approved and returned to the applicant.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5.

120-3-22-.04 Submission of Plans and Licensing of Fireworks Manufacturers.

(1) Manufacturing operations shall be permitted only after a fireworks manufacturer's license has been issued by the Commissioner in accordance with this rule. A manufacturer's license shall not exempt the holder thereof from obtaining any other permits or licenses that may be required by other government agencies.

(2) Application for a fireworks manufacturer's license shall be made to the Commissioner annually on the form provided and shall be accompanied by a license fee pursuant to O.C.G.A. Section 25-2-4.1.

(3) Plans for all proposed manufacturing facilities or modification of any existing manufacturing facilities shall be submitted to the Commissioner with the fireworks manufacturer's application as provided in O.C.G.A. Section 25-10-3.

(a) At least two sets of plans for fireworks manufacturing facilities shall be submitted, drawn to scale, and shall include a general arrangement layout, location, safety control devices or arrangements, electrical and ventilation arrangements, construction details, emergency control arrangements and such other details, information and specifications as necessary to indicate safe operations.

(b) The plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Commissioner or his designee.

(c) Pursuant to O.C.G.A. Section 25-2-4.1, the plans shall be accompanied by the mandatory plan review fee payable to the Commissioner.

(d) One set of plans shall be retained by the Commissioner and one copy shall be returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept available at the construction site for inspection by authorized representatives of the Commissioner.

(e) Construction shall not commence until the plans have been approved and returned to the applicant.

(4) Upon receipt of a fireworks manufacturer's license application, the Commissioner shall direct his authorized representative to inspect the facility. If the authorized representative determines that all requirements for the manufacturing of fireworks contained in this Chapter have been satisfied, he may recommend that the license be processed.

(5) Upon receipt of the inspection report, the Commissioner shall examine the application and inspection report. If all requirements contained in this Chapter have been satisfied, he shall issue a fireworks manufacturer's license that shall be posted by the applicant in a conspicuous location on the premises. The manufacturer's license is nontransferable and shall expire on December 31 of each year or upon a change in the name, ownership or location of the facility. The current license number shall be recorded on all invoices, shipments, and similar transactions. The license authorizes the manufacture of any fireworks not prohibited by Congress or any federal agency; the possession, transportation, and storage of any such fireworks by any manufacturer thereof; the possession, transportation, or distribution of any such fireworks to a distributor located outside the State; the sale of such fireworks by any such manufacturer to a distributor located outside this State; or the possession and transportation of such fireworks by any manufacturer or contractor or common carrier from the point of manufacture within this State to any point outside this State.

(6) A fireworks manufacturer's license may be revoked for cause after notice and hearing provided in accordance with Rule 120-3-2-.02 of the Rules of Safety Fire Commissioner; provided, however, that the Commissioner may revoke any license prior to notice and hearing if he determines that the situation involves an imminent peril to the public health, safety and welfare and that the situation therefore requires emergency action. An emergency revocation shall contain reasons and findings for the determination, and shall be accompanied by a notice of opportunity for a hearing, which may provide that a hearing will be held if and only if the aggrieved person requests a hearing within ten (10) days of receipt of the revocation and notice.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5.

120-3-22-.05 Inspections.

The Commissioner and his authorized representatives may conduct periodic inspections of fireworks storage installations, manufacturer's facilities, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and transportation vehicles to ascertain whether the owners or operators are in compliance with this Chapter.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.06 Reporting of Fires and Accidents.

(1) All owners, managers or operators of all vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and manufacturing and storage facilities covered under this Chapter shall, as soon as possible but in no event later than eight hours of such incident occurring, notify the Commissioner's Office of all fires involving such manufacturer's vehicles, equipment or facilities and all accidents involving the same that may create a hazard to the public from fire, explosion or related risk. In addition to the initial notification, but in no event later than seventy-two (72) hours, all owners, managers or operators of all vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, and manufacturing and storage facilities covered under this Chapter shall submit a written report to the Commissioner's Office of all fires involving such -vehicles, equipment, consumer fireworks retail sales facilities, consumer fireworks retail sales stands, consumer fireworks stores, manufacturing or storage facilities, and all accidents involving the same that may create a hazard to the public from fire, explosion or related risk.

(2) All holders of permits for display or exhibitions of fireworks or pyrotechnics shall, as soon as possible but in no event later than eight hours of such incident occurring, notify the Commissioner's Office of all fires, explosions, or other incidents of any type which result in personal injuries or property damage occurring at a display or exhibition of fireworks or pyrotechnics pursuant to the permit.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.07 State Minimum Fire Safety Codes and Standards.

Unless otherwise stated in this Chapter, the following editions of the codes, standards, recommended practices, guides and methods, as published in the National Fire Codes (NFC) by the National Fire Protection Association (NFPA), as adopted and modified herein shall be the State's minimum fire safety standards related to the manufacturing, storage, transportation, and use of display fireworks and consumer fireworks, the retail sales of consumer fireworks, and fireworks or pyrotechnics exhibitions and displays.

(1) NFPA 1123, 2014 Edition, Code for Fireworks Display Modifications:

(a) Modifications to Chapter 3:

1. Delete subsection 3.3.15 in its entirety and substitute in its place the following:

“3.3.15 Fireworks. Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term ‘fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of 81 explosive mixture.”

2. Delete subsection 3.3.15.1 in its entirety and substitute in its place the following:

“3.3.15.1 Consumer Fireworks. Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The term ‘consumer fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of 81 explosive mixture.”

3. Delete subsection 3.3.15.2 in its entirety and substitute in its place the following:
“3.3.15.2 Display Fireworks. Any large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in Part 555 of Title 27 of the Code of Federal Regulations, Part 172 of Title 49 of the Code of Federal Regulations, and American Pyrotechnics Association Standard 87-1. Display fireworks are described as Fireworks, UN0335 and are classified as Explosives, 1.3G by the U.S. Department of Transportation.”

(b) Modifications to Chapter 8:

1. Add a new paragraph 8.1.3.6 to read as follows:
“8.1.3.6 The operator shall be present and shall personally supervise all phases of the display.”

2. Add a new subsection 8.1.9.3 to read as follows:
“8.1.9.3 The pyrotechnics operator shall be present and shall personally supervise all phases of the display or exhibition.”

(c) Modifications to Chapter 10:

1. Delete subsection 10.1.1 in its entirety and substitute in its place the following:
“10.1.1 The operator shall be at least 21 years old. Prior to performing the fireworks display, the operator or the operator’s employer shall obtain a permit issued by the judge of the probate court of the county in which the public exhibition or display is to be held in accordance with all applicable state laws.”

2. Delete subsection 10.1.2 in its entirety and substitute in its place the following:
“10.1.2 An operator shall provide evidence of actual experience as an operator or assistant to the authority having jurisdiction. This evidence shall include the following:
“(a) At least five different affidavits signed by the local fire official or officials responsible for the area or areas that the operator has actively participated in all phases of a fireworks displays in which there were no personal injuries or property damage.
“(b) A statement providing full details of any such displays in which said operator has participated which resulted in personal injuries or property damage, or an affidavit by the operator certifying that said operator has never participated in any such displays or exhibitions which resulted in personal injuries or property damage.”

3. Delete subsection 10.1.3 in its entirety and substitute in its place the following:
“10.1.3 An operator shall provide evidence to the authority having jurisdiction that he/she possess at least one of the following:
“(a) Certificate(s) of training totaling 20 hours related to fireworks from national organization(s) that promote safety in fireworks displays, or
“(b) Licensure for fireworks displays by another state which administers a competency test accepted by the Commissioner, or
“(c) Other training, testing and/or experience acceptable to the Commissioner.”

4. Add a new subsection 10.1.4 to read as follows:

“10.1.4 The individual pyrotechnic operator who will actually conduct the display or exhibition must provide to the authority having jurisdiction proof of employment by said person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks.”

5. Delete section 10.2 in its entirety and substitute in its place the following:

“10.2 All assistants shall be at least 18 years old. Each operator shall complete a form on each assistant for each permit being applied for that provides the assistant’s age, date of birth, and states the operator’s satisfaction as to the qualifications of that assistant.”

6. Delete subsection 10.3.1 in its entirety and substitute in its place the following:

“10.3.1 Prior to performing the fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall obtain and provide a copy of a display permit to conduct a firework(s) display issued by the judge of the probate court of the county in which the public exhibition or display is to be held, pursuant to O.C.G.A. Section 25-10-4(a) to the authority having jurisdiction.”

7. Delete subsection 10.3.2 in its entirety and substitute in its place the following:

“10.3.2 Proof of a bond in the principal sum of \$10,000.00, payable to the county in which the display is being held and conditioned for the payment of damages which may be caused either to persons or to property by reason of the display must be provided or, alternatively, evidence be provided that the applicant carries proper liability insurance for bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and for property damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate, purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia.”

8. Delete subsection 10.3.4 in its entirety with no substitution.

9. Add a new section 10.4 to read as follows:

“10.4 Prior to performing the fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction the name and qualifications of every operator and assistant who will participate in the display or exhibition.”

10. Add a new subsection 10.4.1 to read as follows:

“10.4.1 Prior to performing the fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction a statement signed by the individual pyrotechnic operator who will actually conduct the display or exhibition certifying the operator’s satisfaction with the qualifications of each such assistant.”

(2) NFPA 1124, 2006 Edition, Code for the Manufacture, Transportation and Storage of Fireworks and Retail Sales of Fireworks and Pyrotechnic Articles.
Modifications:

(a) Modifications to Chapter 1:

1. Add a new paragraph 1.3.3.1 to read as follows:

“1.3.3.1 The use of Consumer fireworks by the general public shall be in accordance with O.C.G.A. Section 25-10-2”

(b) Modifications to Chapter 3:

1. Delete subsection 3.3.30 in its entirety and substitute in its place the following:

“3.3.30 Fireworks. Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The term ‘fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term ‘consumer fireworks’ or ‘fireworks’ include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.”

2. Delete paragraph 3.3.30.1 in its entirety and substitute in its place the following:

“3.3.30.1 Consumer Fireworks. Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.” The term ‘consumer fireworks’ shall not include:

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for sporting and hunting purposes; and,

(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of 81 explosive mixture.”

3. Delete paragraph 3.3.30.2 in its entirety and substitute in its place the following:

“3.3.30.2 Display Fireworks. Any large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as set forth in Part 555 of Title 27 of the Code of Federal Regulations, Part 172 of Title 49 of the Code of Federal Regulations, and American Pyrotechnics Association Standard 87-1. Display fireworks are described as Fireworks, UN0335 and are classified as Explosives, 1.3G by the U.S. Department of Transportation.

(c) Modifications to Chapter 7:

1. Add new paragraph 7.3.15.2.3 to read as follows:

“7.3.15.2.3 Signs shall be posted throughout the display area and shall read:

Pursuant to O.C.G.A. 25-10-2, it is unlawful to:

Sell consumer fireworks to any person under 18 years of age. Persons purchasing consumer fireworks must provide the seller proper identification at the time of purchase.

Use consumer fireworks indoors.

Explode or cause to be exploded any consumer fireworks on any day after 12:00 midnight or before 10:00 am; except on January 1, July 3, July 4, and December 31, on which days it is unlawful to explode or cause to be exploded any consumer fireworks after 2:00 am or before 10:00 am.

(3) NFPA 1126, 2011 Edition, Standard for the Use of Pyrotechnics before a Proximate Audience.

Modifications:

(a) Modifications to Chapter 3:

1. Delete subsection 3.3.43 in its entirety and substitute in its place the following:

“3.3.43 Proximate Audience. An audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Display or an audience within a building or structure where pyrotechnic devices are used.”

(b) Modifications to Chapter 6:

1. Add a new subsection 6.1.5 to read as follows:

“6.1.5 Prior to performing the proximate audience fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall obtain and provide a copy of a display permit to conduct a proximate audience firework(s) display issued by the judge of the probate court of the county in which the public exhibition or display is to be held, pursuant to O.C.G.A. Section 25-10-4(b) to the authority having jurisdiction.”

2. Add a new subsection 6.1.6 to read as follows:

“6.1.6 Proof of a bond in the principal sum of \$10,000.00, payable to the county in which the display is being held and conditioned for the payment of damages which may be caused either to persons or to property by reason of the display must be provided or, alternatively, evidence be provided that the applicant carries proper liability insurance for bodily injury in the amount of not less than \$25,000.00 for each person and \$50,000.00 for each accident and for property damage in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate, purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia.”

3. Add a new subsection 6.1.7 to read as follows:

“6.1.7 The person, firm, corporation, association or partnership desiring to conduct a proximate audience public exhibition or display of fireworks must provide a copy of the license or amended license issued by the Commissioner to the authority having jurisdiction that indicates that the individual pyrotechnic operator(s) who will actually conduct the proximate audience display or exhibition is licensed under the person, firm, corporation, association or partnership.”

4. Delete subsection 6.5.1 in its entirety and substitute in its place the following:

“6.5.1 All pyrotechnic operators shall be at least 21 years old. Prior to performing the proximate audience fireworks display, the operator or the operator’s employer shall obtain a permit issued by the judge of the probate court of the county in which the public exhibition or display is to be held in accordance with all applicable state laws. In addition, each operator shall provide evidence of actual experience as an operator or assistant to the authority having jurisdiction. This evidence shall include the following:

“(a) At least five different affidavits signed by the local fire official or officials responsible for the area or areas that the pyrotechnic operator has actively participated in all phases of a fireworks or pyrotechnics exhibition or display before proximate audiences in which there were no personal injuries or property damage.

“(b) A statement providing full details of any fireworks or pyrotechnics exhibitions or displays before proximate audiences in which said pyrotechnic operator has participated which resulted in personal injuries or property damage, or an affidavit by the pyrotechnic operator

certifying that said operator has never participated in any such displays or exhibitions which resulted in personal injuries or property damage.”

5. Delete paragraph 6.5.1.1 in its entirety and substitute in its place the following:

“6.5.1.1 Each operator shall provide evidence to the authority having jurisdiction that he/she possess at least one of the following:

“(a) Certificate(s) of training totaling 20 hours related to fireworks from national organization(s) that promote safety in fireworks displays, or

“(b) Licensure for fireworks displays by another state which administers a competency test accepted by the Commissioner, or

“(c) Other training, testing and/or experience acceptable to the Commissioner.”

6. Delete paragraph 6.5.1.2 in its entirety.

7. Delete subsection 6.5.2 in its entirety and substitute in its place the following:

“6.5.2 All assistants shall be at least 18 years old. In addition, a form shall be completed on each assistant for each permit being applied for that provides the assistant’s full name, age, date of birth, address, previous experience, and certifies in writing the operator’s satisfaction as to the qualifications of that assistant.”

8. Add a new subsection 6.5.3 to read as follows:

“6.5.3 Prior to performing the proximate audience fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction the name and qualifications of every operator and assistant who will participate in the display or exhibition.”

9. Add a new subsection 6.5.4 to read as follows:

“6.5.4 Prior to performing the proximate audience fireworks display, the person, firm, corporation, association or partnership desiring to conduct a public exhibition or display of fireworks shall provide to the authority having jurisdiction a statement signed by the individual pyrotechnic operator who will actually conduct the display or exhibition certifying the operator’s satisfaction with the qualifications of each such assistant.”

(c) Modifications to Chapter 8:

1. Add a new subsection 8.6.7 to read as follows:

“8.6.7 The pyrotechnics operator shall be present and shall personally supervise all phases of the proximate audience display or exhibition.”

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.08 Licensing Requirements for Fireworks or Pyrotechnics Displays before a Proximate Audience.

(1) The applicant for a license must satisfy the Commissioner that all of the following requirements are met before the Commissioner issues a license for pyrotechnic exhibitions or displays before a proximate audience:

(a) The applicant shall submit a completed application on a form prescribed by the Commissioner.

(b) The applicant shall submit to the Commissioner proof of a valid comprehensive liability insurance policy purchased from an insurer authorized to do business in Georgia, or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in Georgia. The coverage must include bodily injury and property damage, products liability, completed operations, and contractual liability. The proof of insurance must also be provided before any license can be renewed. The minimum amount of said coverage shall be \$1 million or such other amount as specified by the Commissioner. An insurer which provided such coverage shall notify the Commissioner of any change in coverage in writing which falls below the minimal insurance requirements of this regulation.

(c) The applicant shall submit to the Commissioner a list naming each pyrotechnic operator that shall use pyrotechnics or special effects before a proximate audience pursuant to the license. Each pyrotechnic operator listed on the application for a license shall give his or her full name, age, date of birth, address, and written permission for a criminal background investigation. The applicant must submit evidence that each such pyrotechnic operator is qualified in accordance with NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience as adopted and modified herein.

(d) Any natural person applying for a license, and each pyrotechnic operator listed on the application for a license, must give their permission for a criminal background investigation.

(e) The applicant shall pay the required licensing fee as prescribed in Code Section 25-10-5.

(f) The applicant shall comply with all other applicable portions of these regulations and standards adopted hereunder.

(g) The applicant shall provide any other information deemed necessary by the Commissioner.

(2) The licensee must apply for, and receive, an amended license issued by the Commissioner for any additional pyrotechnic operator employed by a person, firm, corporation, association, or partnership and who is not listed on the original license application. The applicant for an amended license must comply with the requirements of subsections (c) and (d), above, as to the additional pyrotechnic operator.

(3) The licensee must notify the Commissioner in writing within 10 days of the date the licensee withdraws sponsorship of a pyrotechnic operator who is listed on the license application. The reason for the licensee's withdraw of sponsorship must be stated.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5.

120-3-22.-09 Licensing Requirements for Distributors of Consumer Fireworks.

(1) An applicant for a fireworks distributor license must submit a completed application before a license will be issued.

(2) An applicant for a fireworks distributor license must be received by the State Fire Marshal's office and contain the following items before the license application will be considered complete:

- (a) The appropriate application on a form prescribed by the Commissioner;
- (b) Proper identification showing that said applicant is at least 18 years of age;
- (c) Proof of a valid public liability and product liability insurance policy which provides coverage limits of at least \$2 million to cover losses, damages, or injuries which might result from the selling of consumer fireworks and which is provided by an insurer authorized to do business in Georgia or procured through a surplus line broker licensed to pursuant to Title 33;
- (d) The appropriate license fee as required by Code Section 25-10-5.1(a)(2) payable to the Safety Fire Commissioner;
- (e) Documentation, acceptable to the State Fire Marshal, that an inspection has been conducted by a qualified individual indicating the consumer fireworks retail sales facility or consumer fireworks retail sales store for which an application for license has been received meets the minimum fire safety and construction requirements of the 2006 edition of the National Fire Protection Association (NFPA) 1124 entitled, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles and as modified herein this chapter;
- (f) Signed and notarized Citizenship Affidavit Form (GID-276-EN); and
- (g) A copy of the front and back of a secure and verifiable form of identification (list of acceptable forms can be found on the Commissioner's website).

(3) The initial license fee for a fireworks distributor license shall be \$5,000.00, payable to the Safety Fire Commissioner. Such initial license shall expire on January 31 of the year after such initial license was issued.

(4) The annual renewal license fee for a fireworks distributor license shall be \$1,000.00, payable to the Safety Fire Commissioner. Such initial license shall expire on January 31 of the year after such initial license was issued.

(5) A distributor shall not submit a completed application earlier than January 1 of each calendar year.

(6) A fireworks distributor license shall be nontransferable.

(7) A fireworks distributor license shall be void upon a change in the ownership or upon a change of location of the facility.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.10 Registration of Retail Chain Locations.

1. Prior to selling fireworks at branch locations of a retail chain, a licensee must complete a registration on the Safety Fire Commissioner's website. That registration shall include the following for each location:

- (a) The name of the business that will be selling fireworks;
- (b) The street address; and
- (c) An attestation by the licensee that each location has been inspected by a qualified individual and meets the minimum safety requirements required by law. A copy of such inspection report completed by the qualified individual shall be provided to the State Fire Marshal's office.

2. Upon completion of the registration, the State Fire Marshal's office shall electronically provide a certificate for each branch location.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.11 Sales of Consumer Fireworks.

(1) Except as provided for herein, the sale of consumer fireworks at retail or wholesale locations shall be permitted only after the seller has obtained a fireworks distributor license.

(2) Each retail location association with a licensed retail chain shall register each location where fireworks will be sold by completing the process set forth in 120-3-22-.10.

(3) The fireworks distributor license shall be posted at a prominent location within each location which sells consumer fireworks- except that each branch location which sells fireworks shall display the registration certificate provided by the State Fire Marshal's office.

(4) The wholesale sale of consumer fireworks shall be conducted from a distribution facility as defined in NFPA 1124, 2006 edition entitled, Code for the Manufacture, Transportation and Storage of Fireworks and Retail Sales of Fireworks and Pyrotechnic Articles, and shall not be conducted from a consumer fireworks retail sales facility, store, or temporary stand.

(5) A consumer fireworks retail sales facility shall meet the minimum fire safety and construction requirements of the 2006 edition of the National Fire Protection Association (NFPA) 1124 entitled, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles and as modified herein this chapter.

(6) It shall be unlawful for any person, firm, corporation, association, or partnership to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

(7) Any person selling any consumer fireworks at the consumer fireworks retail sales facility shall be at least 18 years of age; provided however, it shall be lawful for any person who is 16 or 17 years of age to sell or to offer for sale at retail or wholesale any consumer fireworks, provided that such person is serving as an assistant to the holder of a fireworks distributor license.

(8) The holder of a consumer fireworks distributor license shall provide to the Commissioner the names and addresses of all fireworks retailers located in the State of Georgia to which that license holder sells fireworks.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.12 Purchase of Consumer Fireworks.

Any individual purchasing fireworks from a consumer fireworks retail sales facility, consumer fireworks retail sales store or a temporary consumer fireworks retail sales stand shall:

- (1) Make all purchases in-person and through a face-to face sale;
- (2) Be a minimum of 18 years of age; and
- (3) Provide proper identification to the seller at the time of such purchase. Such identification shall contain at a minimum the following:
 - (a) A description of the person or such person's photograph, or both; and
 - (b) The individuals' date of birth.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.13 Use of Fireworks.

No person shall use, explode, or cause to be exploded any consumer fireworks between the hours of 10:00 A.M. and 12:00 Midnight except:

- (a) Between the hours 12:00 Midnight and 2:00 A.M. on January 1, July 3, July 4, and December 31; and
- (b) After having obtained a special use permit as provided for in O.C.G.A. Section 25-10-2(a)(3)(D).

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.14 Requests for Modification of Specific Requirements.

Upon receipt of a sworn affidavit from the owner stating all relevant facts and circumstances and such other information as may be required, the State Fire Marshal may recommend to the Commissioner that specific requirements of this Chapter and the NFPA codes, standards and recommended practices adopted herein, be modified to allow alternative arrangements which will secure as nearly equivalent measures as practical for the prevention of injury to persons and

property. The Commissioner in his discretion may accept the State Fire Marshal's recommendation and grant the requested modification.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, and 25-10-5.1.

120-3-22-.15 Unlawful Activity.

(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors.

(B) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at a consumer fireworks retail sales facility, consumer fireworks retail sales store or a temporary consumer fireworks retail sales stand or wholesale without maintaining the appropriate license.

(C) It shall be unlawful for any person, firm, corporation, association, or partnership to sell consumer fireworks or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any person under 18 years of age.

(D) It shall be unlawful to sell consumer fireworks from any motor vehicle or from a trailer towed by a motor vehicle.

Authority: O.C.G.A. §§ 25-2-4, 25-10-2, 25-10-5, 25-10-5.1.

120-3-22-.16 Compliance with Rules and Regulations; Penalties.

(1) All persons shall manufacture, transport, and store fireworks in conformity with this Chapter. After notice and hearing provided in accordance with Rule 120-3-2-.02 of the Rules of Safety Fire Commissioner, any person who is found to have violated any of the rules contained in this Chapter shall be subject to such penalties as authorized by law and regulation.

(2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an application executed pursuant to Code section 25-10-5.1 shall be guilty of a violation of Code Section 16-10-20.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.17 Forms.

(1) Unless otherwise indicated, and to the extent provided, each filing required under this Regulation Chapter is to be made on forms or electronic format approved by the Commissioner.

(2) Forms may be reproduced to accommodate manual or automated processing.

(3) Any form filed electronically requiring a signature shall contain the electronic signature of the person filing the form, as defined in O.C.G.A. Section 10-12-3.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.18 Notes.

(1) The National Fire Protection Association (NFPA) codes, standards and recommended practices adopted in this Chapter are on file in the office of the State Fire Marshal and are available for viewing.

(2) Copies of the National Fire Protection Association codes and standards may be obtained from:

National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269-9101
Main 617-770-3000
Phone: 800-344-3555
<http://www.nfpa.org/catalog/>
Main 617-770-3000
Phone: 800-344-3555
<http://www.nfpa.org/catalog/>

(3) Copies of the International Code Council codes are on file in the Office of the State Fire Marshal and are available for viewing. Copies may be obtained from:

International Code Council
1-888-ICC-SAFE (422-7233) or
<http://www.iccsafe.org/>

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

120-3-22-.19 Severability.

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

Authority: O.C.G.A. §§ 25-2-4, 25-10-5, 25-10-5.1.

**RULES AND REGULATIONS OF
THE SAFETY FIRE COMMISSIONER
CHAPTER 120-3-16
RULES AND REGULATIONS FOR LIQUEFIED PETROLEUM GASES**

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120-3-16-.01 Promulgation and Purpose.

- (1) These Rules and Regulations governing the distribution, sale, transportation, storage, handling and use of liquefied petroleum gases are promulgated jointly by the Georgia Safety Fire Commissioner pursuant to O.C.G.A. Sections 25-2-4 and 25-2-16, and the State Fire Marshal pursuant to O.C.G.A. Section 10-1-265.
- (2) The purpose of these rules and regulations is to provide precautionary and protective techniques that are reasonable and practical measures for the prevention of injury to persons and property from the storage, transportation and handling of liquefied petroleum gases, and to provide reasonably necessary measures for the protection of the health, welfare, and safety of the public and persons using such materials.
- (3) Pursuant to O.C.G.A. Section 10-1-270, no municipality or other political subdivision of this State shall adopt or enforce an ordinance, rule, or regulation in conflict with Article 10 of Chapter 1 of Title 10 of the Official Code of Georgia or with these Rules and Regulations.
- (4) The Safety Fire Commissioner and/or the State Fire Marshal of Georgia shall have the authority to act in all matters related to this Chapter, pursuant to O.C.G.A. Sections 25-2-3, 25-2-4, 25-2-5, and 25-2-16.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.02 Definitions.

The definitions contained herein are in addition to and in clarification of those contained in the adopted codes and standards.

- (1) ASME. The American Society of Mechanical Engineers.
- (2) AUTHORITY HAVING JURISDICTION. The State Fire Marshal of Georgia.
- (3) COMMISSIONER. The Georgia Insurance and Safety Fire Commissioner.
- (4) CONFINED SPACE. For the purpose of this Chapter, a space whose volume is less than 50 cubic feet per 1000 Btu per hour (4.8 m³ per kW) of the aggregate input rating of all appliances installed in that space.
- (5) CYLINDER EXCHANGE OPERATION. This operation, also referred to as cylinder staging racks or cages, requires specific approval. No product transfer takes place at these holding locations. All cylinders, empty or full, are secured in an approved rack or cage. The cylinder inspection, requalification, reconditioning and product transfer takes place at the licensed dealer's distribution plant (see definition in NFPA 58) by the dealer's properly trained personnel. All cylinders are provided with the required markings, labeling and each requalification is duly recorded for compliance with applicable DOT regulations and NFPA 58, Appendix C.
- (6) DEALER IN LIQUEFIED PETROLEUM GAS. Any person who sells or offers to sell liquefied petroleum gas to an ultimate consumer for agricultural, industrial, commercial or domestic use.
- (7) DISPENSING OPERATION. A dispensing facility or vehicle fuel dispenser as defined in NFPA 58 and used to dispense liquefied petroleum gas to the ultimate consumer.
- (8) DOT. The United States Department of Transportation.
- (9) INSTALLATION. The act of installing apparatus, piping, tubing, appliances, and equipment necessary for storing and converting liquefied petroleum gas into flame for light, heat, cooling or power for use by the ultimate consumer.
- (10) NFPA. The National Fire Protection Association.
- (11) PERSON. Any individual, firm, partnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee or personal representative thereof.
- (12) SAFETY FIRE DIVISION. The Safety Fire Division of the Office of Insurance and Safety Fire Commissioner, headed by the State Fire Marshal appointed by the Commissioner.
- (13) ULTIMATE CONSUMER. Any person who is the last to purchase liquefied petroleum gas in its liquid or vapor state for agricultural, industrial, commercial or domestic use.
- (14) UNCONFINED SPACE. For the purpose of this Chapter, a space whose volume is not less than 50 cubic feet Per 1000 Btu per hour (4.8 m³ per kW) of the aggregate input rating of all

appliances installed in that space. Rooms communicating directly with the space in which the appliances are installed, through openings not furnished with doors, are considered a part of the unconfined space. All the space that connects to the region that contains the appliance(s) can be combined to calculate the volume, provided there are no doors intervening.

- (15) **WALLET CARD.** A picture identification card issued by the Georgia State Fire Marshal's Office establishing an individual's certification for a specific area of liquefied petroleum gas industry operations.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.03 Licenses; Fees and other Requirements.

- (1) Except as provided herein, no person shall manufacture, distribute, sell or store for sale or transportation, liquefied petroleum gas without a license issued by the Safety Fire Division in accordance with this Chapter.
- (2) Only Georgia dealers or owners with a valid license issued by the Safety Fire Division in accordance with this Chapter shall introduce liquefied petroleum gas into a container at any location in the state for storage or dispensing of liquefied petroleum for sale or transportation.
- (3) The required one-time license fee pursuant to O.C.G.A. Section 25-2-4.1 shall be submitted with the license application and shall be payable to the Safety Fire Commissioner.
- (4) No license shall be required for:
 - (a) The sale or storage of liquefied petroleum gas in containers meeting DOT specifications and having a maximum water capacity of two and one half (2.5) pounds, such as those used with self-contained hand torches, camp stoves, and similar appliances.
 - (b) Cylinder exchange and dispensing operations conducted by licensed Georgia Dealers at their bulk plants with a current license. Dealers shall provide a listing of locations of the cylinder exchange racks/cages for inspection and compliance with Chapter 8 of NFPA 58 and other applicable codes.
 - (c) Ultimate consumer operations.
- (5) Every entity who desires to be licensed to sell or distribute liquefied petroleum gas in this state shall have located within the state and within close proximity to the area serviced in Georgia storage capacity for a minimum of 30,000 water gallons, except that entities initially licensed prior to July 1, 1990, may continue to operate with the previously approved 18,000 gallons storage facility. If the 30,000 gallon capacity consists of more than one container, then no storage container used to meet this requirement shall be of a size less than 6,000 gallons. Any person who desires a liquefied petroleum gas dealer license as authorized by O.C.G.A. Title 10, Chapter 1, Article 10 and who has not yet acquired the required storage facility may enter into a bulk storage lease agreement with such qualified person on the forms provided by the Safety Fire Division. Such agreement shall be made in triplicate and the license fee shall be the same as

stated in subparagraph (3) of this rule. If the required storage facility is leased or rented, then such storage capacity must be dedicated to the exclusive use of the lessee and must include separate piping and loading/unloading facilities.

- (6) Prior to obtaining a license for any of the activities listed in subsection (1) of this Rule, all persons shall furnish the Safety Fire Division with evidence of and shall thereafter maintain the following insurance coverage with an insurer authorized to do business in this State or an insurer regulated pursuant to O.C.G.A. Title 33, Chapter 5, if insurance cannot be obtained from an insurer authorized to do business in this State:
 - (a) General liability including products and completed operations:
 1. \$1,000,000 combined single limits if the capacity is more than 2,000 gallons.
 2. \$500,000 combined single limits if the capacity is 2,000 gallons or less.
 - (b) Motor vehicle liability (when applicable): \$1,000,000 combined single limits.
 - (c) An insurer which provided such coverage shall notify the Commissioner of any change in coverage.
- (7) The name under which a person is licensed shall appear on all delivery tickets, delivery vehicles, and storage facilities. Nothing herein shall prohibit the use of trademarks, symbols or logos in addition to the licensee's name. Nothing herein shall prohibit the use of cash register receipts without the name of the business at portable DOT cylinder filling facilities.
- (8) Any license issued pursuant to this Chapter may be suspended or revoked by the Safety Fire Division in accordance with O.C.G.A. Section 10-1-269.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.04 Training Requirements for Georgia Liquefied Petroleum Gas Industry Workers.

- (1) Each Georgia liquefied petroleum gas industry worker whose primary duties fall within the scope of Georgia Rules and Regulations 120-3-16 shall be trained in proper handling procedures and shall be certified by the Georgia State Fire Marshal's Office for the particular job function that they perform. The training curriculum shall be the Certified Employee Training Program (CETP) or equivalent program approved by the Georgia State Fire Marshal's Office to include employees engaged as delivery drivers and/or service and installation technicians.
 - (a) Existing industry workers whose primary duties fall within the scope of Georgia Rules and Regulations 120-3-16 have until 36 months from the effective date of this regulation to become certified. The Georgia State Fire Marshal's Office may define who is an existing industry worker and develop the criteria for certification of existing industry workers when documentation of prior certification does not exist. One of the following methods will be used as certification criteria:

1. Written or oral examination
2. Work performance review
3. Observation during performance of the job
4. On the job training

(b) New industry workers including seasonal or part-time workers, employed after the effective date of this regulation must comply with certification requirements within 12 months of their original date of hire. Other workers that do not meet the requirements of existing industry workers listed in paragraph 120-3-16-.04 (1) (a) above, must comply with certification requirements within 12 months of the effective date of this regulation. Prior to certification, employees may perform duties for which they have been properly trained as per NFPA 58 and other appropriate regulatory agencies.

- (2) Every Georgia liquefied petroleum gas industry worker must acquire a minimum of six hours of Continuing Education Units (CEU) every three years to maintain their certification.
- (3) Certification belongs to the Georgia liquefied petroleum gas industry worker and follow the industry worker upon change of employment within the Georgia liquefied petroleum gas industry. A copy of the industry worker's certificate shall be provided to their employer. Certification shall not expire unless:
 - (a) CEUs required by subsection 120-3-16-.04(2) are not maintained;
 - (b) Industry Worker's employment within the liquefied petroleum gas industry has lapsed for a period of more than one year; or
 - (c) The Commissioner deems that revocation of the industry worker's certification is necessary due to gross negligence or violation of this regulation.
- (4) A wallet card indicating valid certification shall be issued by the Georgia State Fire Marshal's Office to the liquefied petroleum gas industry worker. This wallet card shall be kept with the industry worker at all times during which they are conducting business and shall be made available to authorities, State or Local, upon request.
- (5) Certain records regarding certification shall be maintained by the appropriate party and maintained as current.
 - (a) The Georgia State Fire Marshal's Office shall:
 1. Maintain permanent certification records submitted by the Georgia liquefied petroleum gas industry worker;
 2. Maintain a database of CEU's; and
 3. Notify Certificate holder of upcoming CEU renewal requirements.
 - (b) The Georgia liquefied petroleum gas industry worker shall:
 1. Maintain personal CEU's; and
 2. Maintain their wallet card that is issued by the Georgia State Fire Marshal's Office.

- (c) The licensed dealer in liquefied petroleum gas shall:

Maintain employee records indicating the status of certified employment base.

- (6) A Propane Industry Education Advisory Panel shall be appointed by the Commissioner and shall advise or recommend appropriate continuing education unit curriculum. The panel shall consist of five members: one independent propane marketer, one multi-state propane marketer, one propane industry supplier representative, one at-large member, all to be appointed by the executive committee of the Georgia Propane Gas Association and a representative of the State Fire Marshal. Each member of the advisory panel will serve a three year term. Members of the advisory panel will elect a chairman and vice chairman. The Vice Chairman shall succeed the Chairman.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.05 Submission of Plans.

- (1) Complete plans and specifications for all systems involving the aggregate storage capacity of over 2,000 water gallons of liquefied petroleum gas shall be submitted in duplicate to, and receive approval by, the Safety Fire Division before installation is started. Complete plans and specifications for all systems involving storage of any capacity, used for the dispensing of liquefied petroleum gas as vehicular fuel, and located within 50 ft. of any facility dispensing flammable or combustible liquids as outlined in Georgia Rules and Regulations 120-3-11 shall be submitted in duplicate to, and receive approval by, the Safety Fire Division before installation is started. Pursuant to O.C.G.A. Sections 25-2-4.1 and 10-1-266, the plans shall be accompanied with the plan review fee payable to the Safety Fire Commissioner. Pursuant to O.C.G.A. Section 25-2-16, the plans shall bear the seal and Georgia registration number of the drafting architect or engineer or shall otherwise have the approval of the Safety Fire Division.
- (2) Plans shall be submitted in duplicate and shall include, at a minimum, the following:
- (a) Scaled site plan (shall include all buildings and property lines);
 - (b) Storage container location(s);
 - (c) Container Drawings (shall include all piping connections, valves, and appurtenances);
 - (d) Container Pier Drawings (if applicable);
 - (e) Piping, valve, and associated equipment layout and arrangements;
 - (f) Electrical conduit layout and arrangements;
 - (g) Corrosion protection (if applicable);
 - (h) Equipment list and specifications (shall include make and model of equipment);
 - (i) A copy of the container data plate (picture, rubbing, marking, etc.); and
 - (j) Other information necessary to show compliance.
- (3) Submissions for storage containers shall also include the following:
- (a) A site approval by a representative of the State Fire Marshal; and

- (b) A Fire Safety Analysis completed by the local fire authority.
- (4) One set of plans shall be retained by the State Fire Marshal and one copy returned to the applicant with approval or disapproval indicated thereon. A copy of the approved plans shall be kept at the installation site during construction for inspection by authorized representatives of the State Fire Marshal or local authority.
- (5) Construction or the storage container installation, or associated equipment, shall not commence until the plans have been approved and returned to the applicant.
- (6) In lieu of plans, a final inspection shall be obtained from Safety Fire Division for the following:
 - (a) All other systems, which may or may not require a license but involve the storage of 2,000 water gallons or less of liquefied petroleum gas, such as, cylinder filling plants open to the public, or dispensing and filling locations at commercial, industrial or mercantile sites.
 - (b) Cylinder exchange racks or cages which do not require a license. Dealers shall provide a listing of locations of the cylinder exchange racks/cages for inspection and compliance with Chapter 8 of NFPA 58 and other applicable codes.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.06 Reporting of Fires and Accidents.

All owners, managers or operators of all vehicles and equipment covered under this Chapter shall as soon as possible, but in no event later than eight hours of the incident occurring, shall notify the Safety Fire Division of all fires involving such vehicles and equipment and all accidents involving the same that may create a hazard to the public. In addition to the initial notification, all owners, managers or operators of all vehicles and equipment covered under this Chapter shall submit a written report to the Safety Fire Division within seventy-two (72) hours of the incident occurring.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.07 Adopted Codes and Standards.

Except to the extent modified herein, the following NFPA codes and standards are hereby adopted:

(1) NFPA 54, 2012 Edition, National Fuel Gas Code:
Modifications:

(a) Modifications to Chapter 3:

1. Delete subsection 3.3.85 in its entirety and substitute in its place the following:

“3.3.85 Qualified Agency. A Georgia licensed dealer in liquefied petroleum gas that is engaged in and is responsible for (1) the installation, testing, or replacement of gas piping or (2) the connection, installation, testing, repair, or servicing of appliances and equipment and that has complied with all the requirements of Georgia Rules and Regulations 120-3-16.”

2. Add a new subsection 3.3.112 to read as follows:

“3.3.112 Interruption of Service. Any time when there is a disruption in the flow of gas between the gas supply and the distribution piping, or any portion thereof.”

(b) Modifications to Chapter 7:

1. Add a new paragraph 7.13.2.1 to read as follows:

“7.13.2.1 Bonding in accordance with the manufacturer’s instructions shall be deemed as meeting the requirements of 7.13.2.”

(c) Modifications to Chapter 10:

1. Delete subsection 10.23.1 in its entirety and substitute in its place the following:

“10.23.1 Prohibited Installations. Unvented room heaters shall not be installed in bathrooms or bedrooms.”

“Exception No. 1: One listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bathroom provided that the input rating shall not exceed 6,000 Btu/hr (1760 W/hr) and combustion and ventilation air is provided as specified in 10.1.2.”

“Exception No. 2: One listed wall-mounted unvented room heater equipped with an oxygen depletion safety shutoff system shall be permitted to be installed in a bedroom provided that the input rating shall not exceed 10,000 Btu/hr (2930 W/hr) and combustion and ventilation air is provided as specified in 10.1.2.”

“NOTE: Exceptions No. 1 and No. 2 are acceptable installations to the Safety Fire Division [refer to 120-3-16-.02 12].”

(2) NFPA 58, 2014 Edition, Standard for the Storage and Handling of Liquefied Petroleum Gases:
Modifications:

(a) Modifications to Chapter 4:

1. Delete Section 4.4 in its entirety and substitute in its place the following:

“4.4 Qualifications of Personnel. Persons who transfer liquid LP-Gas, who are employed to transport LP-Gas, or whose primary duties fall within the scope of this code shall be trained in accordance with Section 120-3-16-.04 of this Rule. Prior to obtaining a license for any of the activities listed in Section 120-3-16-.01 of this Rule, new applicant(s) must provide verification that all responsible persons such as owner or manager, and any employee(s) handling LP-Gas, have received and successfully completed

safety training in the proper handling and operating procedures of LP Gas. This training shall be maintained and be kept up to date for the applicant's license to remain valid. The Applicant must be the owner or manager of the business applying for the LP-Gas license.”

2. Delete subsections 4.4.1 – 4.4.4 in its entirety.

(b) Modifications to Chapter 5:

1. Add a new paragraph 5.2.1.12 to read as follows:

“5.2.1.12 The design, fabrication, and marking provisions for containers and features normally associated with container fabrication, such as container openings, appurtenances required for these openings to make the containers gastight entities, physical damage protecting devices, and container supports attached to or furnished with the container by the manufacturer shall meet the requirements of this section. All tank distributors or firms who manufacture or sell ASME liquefied petroleum gas containers shall provide each Georgia dealer who purchases such containers with a manufacturer's data sheet for each container as set forth in Section VIII of ASME's Boiler and Pressure Vessel Code. All such data sheets shall be signed by an inspector regularly employed by an insurance company or authorized governmental unit who holds a Certificate of Competency and Commission from the National Board of Boiler and Pressure Vessel Inspectors. All dealers shall file such data sheets as part of their regular records, separated by name of manufacturer and serial number of the container. Such records shall be available during regular office hours for inspection by the Safety Fire Division or authorized agent thereof. This requirement shall also apply to containers which are utilized on trucks, semi-trailers, and trailers. When containers used in this State are purchased by control purchasing departments of companies, corporations, their subdivisions or individuals operating within this State, such records shall be retained by the department, subdivision or individual. Copies of the manufacturer's data sheets shall be available to the representative of the Safety Fire Division upon request.”

2. Delete subsection 5.20.2 in its entirety and substitute in its place the following:

“5.20.2 Any appliance originally manufactured for operation with a gaseous fuel other than LP-Gas shall not be used with LP-Gas unless it is converted to use LP-Gas, and is tested for performance with LP-Gas before being placed into use. No person shall use liquefied petroleum gas as a source of pressure in operating spray guns and other equipment not specifically designed or intended to use liquefied petroleum gas.”

(c) Modifications to Chapter 6:

1. Add a new subsection 6.1.4 to read as follows:

“6.1.4 General Provisions. Bulk storage facilities, cylinder filling facilities, and cylinder exchange staging areas shall have emergency contact information posted in a prominent location accessible to persons who might notice leaks, fires or other unsafe conditions. For bulk storage and cylinder filling facilities the letters shall be at least 2 inches high using approximately a 1/4 inch stroke. At cylinder exchange staging areas the letters shall be 3/4 inches high using approximately a 1/8 inch stroke. ‘No smoking’ signs shall be conspicuously posted.”

2. Add a new paragraph 6.6.1.7 to read as follows:

“6.6.1.7 Piping, tubing or regulators shall be considered well supported when they are rigidly fastened in their intended position.”

3. Delete paragraph 6.7.2.7 in its entirety and substitute in its place the following:

“6.7.2.7 Pressure relief valve discharge on each aboveground container of more than 4,000 gal (7.6 m³) water capacity shall be piped vertically upward to a point at least 7 ft (2.1 m) above the top of the container, and the discharge opening shall be unobstructed to the open air.”

4. Delete subsection 6.10.1 in its entirety and substitute in its place the following:

“6.10.1 Where LP-Gas vapor is used as a pressure source for activating the remote shutoff mechanisms of internal valves and emergency shutoff valves, the following shall apply:

- (1) Actuators and pressure supply line components shall be compatible with LP-Gas vapor.
- (2) Supply line piping materials shall be limited to a maximum of 3/8 in. (9.0 mm) outside diameter.
- (3) *Supply pressure shall be controlled to prevent condensation of the LP-Gas vapor.
- (4) The LP-Gas supply maximum flow rate to the system shall not exceed that from a No. 54 drill orifice.
- (5) Non-metallic piping or tubing shall not be used.”

5. Add a new subparagraph 6.22.9 to read as follows:

“6.22.9 Security and Protection Against Tampering. Vaporizers shall have fencing or protection against tampering in accordance with 6.18.4 and protection against vehicle collision.”

(d) Modifications to Chapter 7:

1. Add a new paragraph 7.2.2.15 to read as follows:

“7.2.2.15 No person shall introduce LP Gas into a container without the written permission of the owner.”

(e) Modifications to Chapter 8:

1. Add a new subsection 8.2.3 to read as follows:

“8.2.3 When cylinders are stored in exchange or storage cages, the name of the lp-gas supplier and the supplier’s emergency contact information shall be posted on the front of the cage using letters 3/4 inches high using approximately a 1/8 inch stroke.”

(f) Modifications to Chapter 9:

1. Add a new subsection 9.1.3 to read as follows:

“9.1.3 General Provisions.”

2. Add a new paragraph 9.1.3.1 to read as follows:

“9.1.3.1 Drivers shall not be addicted to or under the influence of intoxicants or narcotics, and intoxicating beverages shall not be carried on or consumed in transport vehicles.”

3. Add a new paragraph 9.1.3.2 to read as follows:

“9.1.3.2 Except during transfer operations, the liquid valve(s) of all tanks and cargo tank trucks shall be closed by means of self-closing shut-off valves.”

4. Add a new paragraph 9.1.3.3 to read as follows:

“9.1.3.3 The transfer of L.P. Gas from vehicle to vehicle is allowed only with approval of the Safety Fire Division except in emergency situations.”

5. Add a new paragraph 9.4.6.3 to read as follows:

“9.4.6.3 In addition, the common name of the product or the words ‘LIQUEFIED PETROLEUM GAS’ shall be marked on the rear and sides of cargo tanks in letters at least 2 inches high using approximately a 1/4 inch stroke, with red letters upon a white background.”

6. Add a new paragraph 9.4.6.4 to read as follows:

“9.4.6.4 The name and address of the owner or person operating any vehicle required to be marked shall be displayed on each side of the vehicle in legible lettering.”

(3) NFPA 59, 2012 Edition, Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants.

Modifications: None

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.08 Request for Modification of Specific Requirements.

Upon receipt of a sworn affidavit from the owner stating all relevant facts and circumstances and such other information as may be required, the Safety Fire Division may determine that specific requirements of this Chapter and the NFPA codes and standards adopted herein should be modified to allow alternative arrangements that will secure as nearly equivalent measures as practical for the prevention of injury to persons and property. In their discretion, the Georgia Safety Fire Commissioner and the State Fire Marshal may jointly grant the requested modification.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.09 Inspections.

Authorized representatives of the Safety Fire Division may conduct inspections of all facilities subject to this Chapter. Upon determination by such inspection that a liquefied petroleum gas system or any part thereof is unsafe to the extent that it endangers life or adjacent properties, the inspector may red tag the entire system or a specified portion thereof. The red tag may be removed only by an authorized representative of the Safety Fire Division. Any system or portion of a system that has been red tagged may no longer be used until the red tag has been removed. In the event of a consumer complaint, fire, or explosion, all owners, managers or operators of all vehicles and equipment covered under this Chapter shall promptly and completely make available for inspection at the request of the Safety Fire Division all records regarding delivery receipts, inspections, installations, leak tests, maintenance, service calls, pressure tests, and tank lease agreements.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.10 Compliance with Rules and Regulations; Penalties.

All persons shall manufacture, distribute, sell, store, transport, use and otherwise handle liquefied petroleum gases in conformity with this Chapter. After notice and hearing provided in accordance with Rule 120-3-2-.02 of the Rules of Safety Fire Commissioner, or as provided in O.C.G.A. Section 10-1-269, any person who is found to have violated any of the rules contained in this Chapter shall be subject to such penalties as authorized by law or Regulation.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.11 Forms.

- (1) Unless otherwise indicated, and to the extent provided, each filing required under this Regulation Chapter is to be made on forms or electronic format obtained from the Safety Fire Division.
- (2) Forms may be reproduced and may be altered to accommodate manual or automated processing provided the same information is presented in the same order as in the forms or electronic format obtained from the Safety Fire Division.
- (3) Any form filed electronically requiring a signature shall contain the electronic signature of the person filing the form, as defined in O.C.G.A. Section 10-12-3.
- (4) The Safety Fire Division may approve a method or methods of electronic filing.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.12 Notes.

- (1) The NFPA codes and standards adopted in this Chapter are on file in the Safety Fire Division and are available for viewing.
- (2) Copies of the NFPA codes and standards may be obtained from:

National Fire Protection Association
Batterymarch Park
Quincy, Massachusetts 02269
Phone: 1-800-344-3555

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.

120-3-16-.13 Severability.

If any rule or portion thereof contained in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

Authority: O.C.G.A. §§10-1-263, 25-2-3, 25-2-4, and 25-2-16.