

Senate Bill 319

By: Senators Albers of the 56th, Mullis of the 53rd, Gooch of the 51st, Miller of the 49th, Dugan of the 30th and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Consolidation of Fire Safety Services in Georgia Act"; to establish the
2 Department of Fire Safety; to establish the position of commissioner of fire safety; to
3 establish the Fire Safety Advisory Board; to establish the Professional Development Division
4 within the Department of Fire Safety; to amend Title 8 of the Official Code of Georgia
5 Annotated, relating to buildings and housing, so as to transfer administration of "The
6 Uniform Standards Code for Manufactured Homes Act" from the Safety Fire Commissioner
7 to the commissioner of fire safety; to amend Title 10 of the Official Code of Georgia
8 Annotated, relating to commerce and trade, so as to revise the duties of the state fire marshal
9 in the enforcement of the "Liquefied Petroleum Safety Act of Georgia"; to transfer
10 administration and rule-making authority under said Act from the state fire marshal to the
11 commissioner of fire safety; to amend Title 16 of the Official Code of Georgia Annotated,
12 relating to crimes and offenses, so as to transfer certain functions and duties relating to
13 bombs, explosives, and chemical and biological weapons from the Safety Fire Commissioner
14 to the commissioner of fire safety; to amend Title 25 of the Official Code of Georgia
15 Annotated, relating to fire protection and safety, so as to transfer duties from the
16 Commissioner of Insurance as the Safety Fire Commissioner to the commissioner of fire
17 safety; to provide for duties and responsibilities of the Department of Fire Safety and the Fire
18 Safety Advisory Board; to provide for adoption of rules and regulations; to vest certain
19 emergency and terrorism fire service preparedness functions in the commissioner of fire
20 safety; to revise the appointment authority and duties and responsibilities of the state fire
21 marshal; to provide for the position of local fire marshals; to transfer responsibility for
22 enforcing minimum requirements for all fire departments operating in this state from the
23 executive director of the Georgia Firefighter Standards and Training Council to the
24 commissioner of fire safety; to transfer duties of the Georgia Firefighter Standards and
25 Training Council to the Department of Fire Safety; to transfer operation and maintenance of
26 the Georgia Fire Academy from the Board of Public Safety to the Department of Fire Safety;
27 to assign regulation of blasting operations, fireworks, consumer fireworks, and fire
28 extinguishers and suppression systems and the enforcement of the "Georgia Fire Sprinkler

29 Act" and the "Georgia Fire Safety Standard and Firefighter Protection Act" to the
30 commissioner of fire safety and the Department of Fire Safety; to assign regulation of the
31 "Boiler and Pressure Vessel Safety Act," "Amusement Ride Safety Act," "Carnival Ride
32 Safety Act," and requirements for scaffolding and staging design to the commissioner of fire
33 safety and the Department of Fire Safety; to amend Article 9 of Chapter 3 of Title 35 of the
34 Official Code of Georgia Annotated, relating to the Georgia Information Sharing and
35 Analysis Center, so as to add the commissioner of fire safety to membership in the center;
36 to amend Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to
37 applicability and effect of peace officer certification requirements generally and requirements
38 as to exempt persons, so as to require certain peace officers commencing employment or
39 service with the Department of Fire Safety to meet certain qualifications; to revise exemption
40 requirements; to amend Chapter 25 of Title 43 of the Official Code of Georgia Annotated,
41 relating to operators of motor vehicle racetracks, so as to assign enforcement relating to
42 operators of motor vehicle racetracks to the commissioner of fire safety; to amend Title 45
43 of the Official Code of Georgia Annotated, relating to public officers and employees, so as
44 to assign enforcement of the "Public Employee Hazardous Chemical Protection and Right
45 to Know Act of 1988" to the Department of Fire Safety; to amend Article 1 of Chapter 13
46 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions
47 regarding administrative procedure, so as to provide for compliance with filing and hearing
48 requirements under the "Georgia Administrative Procedure Act" by the commissioner of fire
49 safety; to revise filing and hearing requirements under said Act by the Commissioner of
50 Insurance; to amend Chapter 2 of Title 8, Title 25, Chapter 3 of Title 30, Code Section
51 31-7-12.2, Code Section 33-2-9, Title 42, Code Section 43-14-13, and Article 1 of Chapter
52 14 of Title 45 of the Official Code of Georgia Annotated, relating to standards and
53 requirements for construction, alteration, etc., of buildings and other structures, fire
54 protection and safety, access to and use of public facilities by persons with disabilities,
55 regulation and licensing of assisted living communities, legislative intent, definitions,
56 procedures, and requirements of medication aides, rules and regulations adopted by the
57 Commissioner of Insurance, penal institutions, applicability of chapter, and general
58 provisions regarding the Commissioner of Insurance, respectively, so as to provide for
59 conforming changes; to provide for legislative intent; to provide for related matters; to
60 provide an effective date; to repeal conflicting laws; and for other purposes.

61 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

62 **PART I**

63 **SECTION 1-1.**

64 This Act shall be known and may be cited as the "Consolidation of Fire Safety Services in
65 Georgia Act."

66 **SECTION 1-2.**

67 It is the intent of the General Assembly, by this Act, to provide for more efficient fire safety
68 services for the citizens of Georgia by consolidating such services into a single department
69 and thereby provide greater quality services at a reduced cost.

70 **PART II**

71 **SECTION 2-1.**

72 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
73 amended by revising Part 2 of Article 2 of Chapter 2, relating to manufactured homes, as
74 follows:

75 **"Part 2**

76 8-2-130.

77 This part shall be known and may be cited as 'The Uniform Standards Code for
78 Manufactured Homes Act.'

79 8-2-131.

80 As used in this part, the term:

81 (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

82 (2) 'Installer' means a person responsible for performing an installation and who is
83 required to obtain a license pursuant to the provisions of Code Section 8-2-160.

84 (3) 'Lending institutions' means lenders that acquire manufactured or mobile homes
85 incident to their regular business, including national and state chartered banks, federal
86 and state chartered credit unions, lenders that are licensed under Article 13 of Chapter 1
87 of Title 7, and lenders that are involved in manufactured or mobile home chattel lending.

88 (4) 'Manufactured home' means a structure, transportable in one or more sections, which,
89 in the traveling mode, is eight body feet or more in width or 40 body feet or more in

90 length or, when erected on site, is 320 or more square feet and which is built on a
 91 permanent chassis and designed to be used as a dwelling with or without a permanent
 92 foundation when connected to the required utilities and includes the plumbing, heating,
 93 air-conditioning, and electrical systems contained therein; except that such term shall
 94 include any structure which meets all the requirements of this paragraph except the size
 95 requirements and with respect to which the manufacturer voluntarily files a certification
 96 required by the secretary of housing and urban development and complies with the
 97 standards established under the National Manufactured Housing Construction and Safety
 98 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

99 (5) 'Manufacturer' means any person who constructs or assembles manufactured homes.

100 (6) 'Mobile home' means a structure, transportable in one or more sections, which, in the
 101 traveling mode, is eight body feet or more in width or 40 body feet or more in length or,
 102 when erected on site, is 320 or more square feet and which is built on a permanent chassis
 103 and designed to be used as a dwelling with or without a permanent foundation when
 104 connected to the required utilities and includes the plumbing, heating, air-conditioning,
 105 and electrical systems contained therein and manufactured prior to June 15, 1976.

106 (7) 'Person' means an individual, corporation, partnership, association, or any other legal
 107 entity but shall not include a trust or the state or any political subdivision thereof.

108 (8) 'Retail broker' means any person engaged in the business of selling or offering for
 109 sale to consumers three or more new or used manufactured or mobile homes in a 12
 110 month period and who does not maintain a display of manufactured or mobile homes.
 111 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase
 112 transactions, and the term 'retail broker' does not include lending institutions.

113 (9) 'Retailer' means any person engaged in the business of selling or offering for sale to
 114 consumers three or more new or used manufactured or mobile homes in a 12 month
 115 period and who maintains a display of manufactured or mobile homes. As used in this
 116 paragraph, the terms 'selling' and 'sale' include lease-purchase transactions, and the term
 117 'retailer' does not include lending institutions.

118 8-2-132.

119 (a) The ~~Commissioner~~ commissioner is authorized and empowered to contract or enter into
 120 cooperative agreements with any agency, department, or instrumentality of the United
 121 States; any agency, board, department, or commission of the state; any county,
 122 municipality, or local government of the state, or any combination of same; any public or
 123 private corporation or firm, or any persons whatsoever; or any public authority, agency,
 124 commission, or institution to participate in the enforcement of manufactured home
 125 construction and safety standards which may be promulgated pursuant to the National

126 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
127 Section 5401, et seq.; provided, however, that the ~~Commissioner~~ commissioner shall notify
128 the United States Department of Housing and Urban Development by July 1 of his or her
129 intention to terminate any such contract or agreement, which termination shall become
130 effective on July 1 of the following year.

131 (b) It is the policy of this state and purpose of this part to forbid the manufacture and sale
132 of new manufactured homes which are not constructed in accordance with the National
133 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
134 Section 5401, et seq.

135 (c) The ~~Commissioner~~ commissioner is authorized and empowered to issue and
136 promulgate all rules and procedures which in his or her judgment are necessary and
137 desirable to make effective the construction standards established by the National
138 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
139 5401, et seq.

140 8-2-133.

141 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
142 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, the
143 ~~Commissioner~~ commissioner may make, amend, alter, and repeal general rules and
144 regulations of procedure to carry into effect this part, to obtain statistical data concerning
145 manufactured homes, and to prescribe means, methods, and practices to make this part
146 effective. The ~~Commissioner~~ commissioner may also make such investigations and
147 inspections as in his or her judgment are necessary to enforce and administer this part.

148 8-2-134.

149 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
150 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, no
151 person may manufacture, sell, or offer for sale any manufactured home unless such
152 manufactured home and its components, systems, and appliances have been constructed
153 and assembled in accordance with rules issued by the ~~Commissioner~~ commissioner with
154 respect to the construction, assembly, and sale of such manufactured homes and unless
155 compliance with such rules is shown in the manner required by the ~~Commissioner's~~
156 commissioner's rules.

157 8-2-135.

158 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
159 cooperative agreements pursuant to his or her authority under Code Section 8-2-132:

- 160 (1) Every manufacturer who manufactures manufactured homes outside the State of
 161 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for
 162 and obtain a license;
- 163 (2) Every manufacturer who manufactures manufactured homes in Georgia shall apply
 164 for and obtain a license;
- 165 (3) Every retailer and retail broker who sells or offers for sale new or used manufactured
 166 homes or mobile homes in Georgia shall apply for and obtain a license;
- 167 (4) Applications for licenses and renewal licenses shall be obtained from the
 168 ~~Commissioner~~ commissioner and submitted on or before January 1 of each year. All
 169 applicants shall certify in the application that all construction, electrical, heating, and
 170 plumbing standards will be complied with as set forth in this part and in the rules and
 171 regulations of the ~~Commissioner~~ commissioner; and
- 172 (5) The license and renewal license fee shall be \$440.00 per manufacturing plant which
 173 manufactures manufactured homes within the State of Georgia; \$440.00 per out-of-state
 174 manufacturing plant which manufactures manufactured homes for the purpose of offering
 175 for sale, or having such homes sold, within the State of Georgia; and \$300.00 per retailer
 176 location and retail broker which sells, offers for sale, or transports to sell such homes
 177 within the State of Georgia. The license shall be valid from January 1 through
 178 December 31 of the year in which it was issued. The fee for delinquent renewal
 179 applications received after January 10 of each year shall be double the regular annual
 180 renewal fee.

181 8-2-135.1.

- 182 (a) During such time as the ~~Commissioner's~~ commissioner's office is acting as the primary
 183 inspection agency pursuant to Section 623 of the National Manufactured Housing
 184 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the
 185 regulations issued thereunder, every manufacturer who manufactures manufactured homes
 186 in Georgia shall pay to the ~~Commissioner~~ commissioner a manufacturing inspection fee for
 187 each manufactured home manufactured in Georgia, irrespective of whether the
 188 manufactured home is offered for sale in this state. This manufacturing inspection fee shall
 189 be \$30.00 for each certification label, as defined in Section 623 of the National
 190 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 191 5401, et seq. For any reinspection, a \$15.00 additional fee shall be charged.
- 192 (b) During such time as the ~~Commissioner's~~ commissioner's office is acting as the state
 193 administrative agency pursuant to Section 623 of the National Manufactured Housing
 194 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., a
 195 monitoring inspection fee paid by each manufacturer in Georgia for each manufactured

196 home manufactured in this state shall be paid to the secretary of the United States
 197 Department of Housing and Urban Development or to the secretary's agent for distribution
 198 in accordance with the National Manufactured Housing Construction and Safety Standards
 199 Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations promulgated thereunder.

200 8-2-136.

201 Each manufacturer, retailer, retail broker, and installer of manufactured homes shall
 202 establish and maintain such records, make such reports, and provide such information as
 203 the ~~Commissioner~~ commissioner or the secretary of the United States Department of
 204 Housing and Urban Development may reasonably require in order to be able to determine
 205 whether the manufacturer, retailer, retail broker, or installer has acted or is acting in
 206 compliance with this part or with the National Manufactured Housing Construction and
 207 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. Upon the request of a
 208 person duly designated by the ~~Commissioner~~ commissioner or the secretary of the United
 209 States Department of Housing and Urban Development, each manufacturer, retailer, retail
 210 broker, and installer shall permit that person to inspect appropriate books, papers, records,
 211 and documents relevant to determining whether the manufacturer, retailer, retail broker, or
 212 installer has acted or is acting in compliance with this part or with the National
 213 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 214 5401, et seq.

215 8-2-137.

216 (a) Any hearing conducted under the provisions of this chapter or of the rules and
 217 regulations promulgated under this part shall be in accordance with Chapter 13 of Title 50,
 218 the 'Georgia Administrative Procedure Act.'

219 (b) The ~~Commissioner~~ commissioner shall be authorized to determine by regulation the
 220 manner in which he or she will conduct presentations of views as required during his or her
 221 participation as the state administrative agency pursuant to the National Manufactured
 222 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

223 (c) The ~~Commissioner~~ commissioner may, through regulations, establish a dispute
 224 resolution program in compliance with 42 U.S.C. Section 5422, the National Manufactured
 225 Housing Construction and Safety Standards Act of 1974.

226 8-2-138.

227 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
 228 cooperative agreements pursuant to his or her authority under Code Section 8-2-132,
 229 retailers, retail brokers, and installers are expressly prohibited from altering or modifying

230 any manufactured home certified under this part and under the rules and regulations of the
231 ~~Commissioner~~ commissioner, except that alterations, changes, or modifications may be
232 made by retailers, retail brokers, or installers certified to make such alterations, changes,
233 or modifications in accordance with rules and regulations promulgated by the
234 ~~Commissioner~~ commissioner.

235 8-2-139.

236 (a) No person may interfere with, obstruct, or hinder an authorized representative of the
237 ~~Commissioner~~ commissioner who displays proper department credentials in the
238 performance of his or her duties as set forth in this part.

239 (b) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon
240 showing proper credentials and in the discharge of their duties pursuant to this part, are
241 authorized during regular business hours and without advance notice to enter and inspect
242 all facilities, warehouses, or establishments in the State of Georgia in which manufactured
243 homes are manufactured.

244 (c) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon
245 showing proper credentials and in the discharge of their duties pursuant to this part, are
246 authorized during regular business hours and without advance notice to enter upon and
247 inspect all premises in the State of Georgia in which manufactured homes are being sold.

248 8-2-140.

249 Any authorized representative of the ~~Commissioner~~ commissioner may, upon displaying
250 proper department credentials, stop and inspect any new manufactured home in transit in
251 order to ascertain if the manufactured home complies with this part and the rules and
252 regulations promulgated hereunder, provided that the manufactured home has been
253 manufactured in this state or has been transported into this state for the purpose of sale
254 within this state.

255 8-2-141.

256 (a) During such time as the ~~Commissioner~~ commissioner has contracted or entered into
257 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, any
258 retailer, retail broker, or manufacturer who fails to apply for or obtain a license as required
259 by Code Section 8-2-135 or who fails to remit the appropriate license fee as stated in Code
260 Section 8-2-135 shall be subject to a monetary penalty not to exceed \$100.00 for each day
261 that such violation persists, except that the maximum monetary penalty shall not exceed
262 \$20,000.00 for any one violation.

263 (b) Any such monetary penalty may be imposed by the ~~Commissioner~~ commissioner after
 264 notice and opportunity for hearing as provided under Chapter 13 of Title 50, the 'Georgia
 265 Administrative Procedure Act.' The amount of such penalty may be collected by the
 266 ~~Commissioner~~ commissioner in the same manner that money judgments are now enforced
 267 in the superior courts of this state.

268 (c) In addition to any such monetary penalty, the ~~Commissioner~~ commissioner may bring
 269 a civil action to enjoin any violation of Code Section 8-2-135, and it shall not be necessary
 270 for the ~~Commissioner~~ commissioner to allege or prove the absence of an adequate remedy
 271 at law.

272 8-2-142.

273 If any state or foreign country imposes upon Georgia-domiciled manufactured home
 274 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in
 275 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or
 276 restrictions, for the privilege of doing business in that state or country, which costs,
 277 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,
 278 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home
 279 manufacturers (or their agents or representatives) which are domiciled in that state or
 280 foreign country and which are doing business or are seeking to do business in the State of
 281 Georgia, then so long as that state or foreign country continues to impose such costs,
 282 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home
 283 manufacturers (or their agents or representatives), the State of Georgia shall impose upon
 284 manufactured home manufacturers (or their agents or representatives) which are domiciled
 285 in that state or foreign country and which are doing business or are seeking to do business
 286 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by
 287 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or
 288 their agents or representatives) which are doing business or seeking to do business in that
 289 state or foreign country. Any tax, license, or other fee or other obligation imposed by any
 290 city, county, or other political subdivision or agency of such other state or country on
 291 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)
 292 shall be deemed to be imposed by such state or country within the meaning of this Code
 293 section.

294 8-2-143.

295 (a) ~~Civil penalties.~~ Any person in this state who violates any provision of Section 610 of
 296 the National Manufactured Housing Construction and Safety Standards Act of 1974,
 297 42 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be

298 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such
 299 violation. Each violation of Section 610 of the aforementioned act or of any regulation or
 300 order issued thereunder shall constitute a separate violation with respect to each
 301 manufactured home or with respect to each failure or refusal to allow or perform an act
 302 required thereby, except that the maximum civil penalty may not exceed \$1 million for any
 303 related series of violations occurring within one year from the date of the first violation.

304 (b) ~~Criminal penalties.~~ An individual or a director, officer, or agent of a corporation who
 305 knowingly and willfully violates any provision of Section 610 of the National
 306 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
 307 Section 5401, et seq., in a manner which threatens the health or safety of any purchaser
 308 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
 309 \$1,000.00 or be imprisoned for not more than 12 months, or both.

310 8-2-144.

311 The ~~Commissioner of Insurance~~ commissioner shall file a report on or before December 15
 312 of each year accounting for all fees received by the ~~Commissioner~~ commissioner under this
 313 part and Part 3 of this article for the preceding 12 month period and for the actual costs of
 314 the inspection programs under this part and Part 3 of this article for the preceding 12 month
 315 period. Such report shall be provided to the chairpersons of the House Committee on
 316 Appropriations ~~Committee~~, the Senate Appropriations Committee, the House Committee
 317 on Governmental Affairs ~~Committee~~, and the Senate Regulated Industries and Utilities
 318 Committee, the director of the Office of Planning and Budget, the director of the Senate
 319 Budget and Evaluation Office, and the director of the House Budget and Research Office.

320 8-2-145.

321 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 322 procedures, and pending and finalized administrative orders of the Safety Fire
 323 Commissioner under this part which are in effect on June 30, 2019. Such rules,
 324 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 325 superseded, or nullified by the commissioner.

326 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 327 authorizations previously issued by the Safety Fire Commissioner with respect to any
 328 function transferred to the Department of Fire Safety shall continue in effect until the same
 329 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 330 provided by law.

331 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 332 and obligations and exercise all of the powers in this part that were formerly held by the
 333 Safety Fire Commissioner."

334 **PART III**

335 **SECTION 3-1.**

336 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
 337 amended by revising Code Section 10-1-263, relating to enforcement of the "Liquefied
 338 Petroleum Safety Act of Georgia" by the state fire marshal, as follows:

339 "10-1-263.

340 The state fire marshal, ex officio, shall be designated as the officer charged with the duty
 341 and authority of enforcing this article, subject to the approval of the commissioner of fire
 342 safety."

343 **SECTION 3-2.**

344 Said title is further amended by revising Code Section 10-1-264, relating to assistants and
 345 employees of state fire marshal, as follows:

346 "10-1-264.

347 The state fire marshal, subject to the approval of the commissioner of fire safety, is
 348 authorized to appoint and employ such assistants and employees, fix their salaries, and
 349 assign and delegate such duties and responsibilities as he or she may deem necessary to
 350 carry out this article in an efficient manner."

351 **SECTION 3-3.**

352 Said title is further amended by revising Code Section 10-1-265, relating to rules and
 353 regulations setting standards for liquefied petroleum gas equipment, as follows:

354 "10-1-265.

355 (a) ~~The state fire marshal~~ commissioner of fire safety shall make, promulgate, adopt, and
 356 enforce rules and regulations setting forth minimum general standards covering the design,
 357 construction, location, installation, and operation of equipment for storing, handling,
 358 transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases and
 359 specifying the odorization of said gases and the degree thereof. Said rules and regulations
 360 shall be such as are reasonably necessary for the protection of the health, welfare, and
 361 safety of the public and persons using such materials and shall be based upon reasonable
 362 substantial conformity with the generally accepted standards of safety concerning the same
 363 subject matter.

364 (b) Rules and regulations promulgated by the ~~state fire marshal~~ commissioner of fire safety
 365 based upon reasonable substantial conformity with the published standards of the National
 366 Board of Fire Underwriters for the design, installation, and construction of containers and
 367 pertinent equipment for the storage and handling of liquefied petroleum gases as
 368 recommended by the National Fire Protection Association shall be deemed to be in
 369 substantial conformity with the generally accepted standards of safety concerning the
 370 subject matter."

371 **PART IV**

372 **SECTION 4-1.**

373 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 374 amended by revising paragraph (2) of Code Section 16-7-80, relating to definitions regarding
 375 bombs, explosives, and chemical and biological weapons, as follows:

376 "(2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety."

377 **SECTION 4-2.**

378 Said title is further amended by revising Code Section 16-7-90, relating to records and
 379 reports, as follows:

380 "16-7-90.

381 It shall be the duty of any person authorized by paragraph (1) or (2) of Code
 382 Section 16-7-93 to manufacture, possess, transport, distribute, or use a destructive device,
 383 detonator, explosive, or hoax device within the state:

384 (1) To maintain such records as may be required pursuant to Title 25. Such records may
 385 be inspected by the ~~Commissioner~~ commissioner or the director or such officers'
 386 designees or any law enforcement officer or fire official during normal business hours;
 387 and

388 (2) To report promptly the loss or theft of any destructive device, detonator, explosive,
 389 or hoax device to the Georgia Bureau of Investigation."

390 **SECTION 4-3.**

391 Said title is further amended by revising Code Section 16-7-91, relating to searches and
 392 inspections, as follows:

393 "16-7-91.

394 The ~~Commissioner~~ commissioner or director or such officers' designees or any law
 395 enforcement officer or fire official may obtain an inspection warrant as provided in Code
 396 Section 25-2-22.1 to conduct a search or inspection of:

- 397 (1) Any person licensed pursuant to Title 25 to manufacture, possess, transport, sell,
 398 distribute, or use a destructive device or detonator within the state;
- 399 (2) Any person licensed pursuant to Chapter 7 of Title 2 to manufacture, possess,
 400 transport, sell, or distribute or use pesticides; or
- 401 (3) Any property where such pesticide, destructive device, or detonator is manufactured,
 402 possessed, transported, distributed, or used."

403 **SECTION 4-4.**

404 Said title is further amended by revising Code Section 16-7-93, relating to exceptions to
 405 applicability of provisions, as follows:

406 "16-7-93.

407 The provisions of Code Sections 16-7-82, 16-7-84, 16-7-85, and 16-7-86 shall not apply
 408 to:

- 409 (1) Any person authorized to manufacture, possess, transport, distribute, or use a
 410 destructive device or detonator pursuant to the laws of the United States, as amended, or
 411 pursuant to Title 25 when such person is acting in accordance with such laws and any
 412 regulations issued pursuant thereto;
- 413 (2) Any person licensed as a blaster by the ~~Commissioner~~ commissioner pursuant to
 414 Chapter 8 of Title 25, when such blaster is acting in accordance with the laws of the state
 415 and any regulations promulgated thereunder and any ordinances and regulations of the
 416 political subdivision or authority of the state where blasting operations are being
 417 performed;
- 418 (3) Fireworks, as defined by Code Section 25-10-1₂, and any person authorized by the
 419 laws of this state and of the United States to manufacture, possess, distribute, transport,
 420 store, exhibit, display, or use fireworks;
- 421 (4) A law enforcement, fire service, or emergency management agency of this state, any
 422 agency or authority of a political subdivision of this state, or the United States and any
 423 employee or authorized agent thereof while in performance of official duties and any law
 424 enforcement officer, fire official, or emergency management official of the United States
 425 or any other state while attending training in this state;
- 426 (5) The armed forces of the United States or of this state;
- 427 (6) Research or educational programs conducted by or on behalf of a college, university,
 428 or secondary school which have been authorized by the chief executive officer of such
 429 educational institution or his or her designee and which is conducted in accordance with
 430 the laws of the United States and of this state;

- 431 (7) The use of explosive materials in medicines and medicinal agents in forms prescribed
 432 by the most recent published edition of the official United States Pharmacopoeia or the
 433 National Formulary;
- 434 (8) Small arms ammunition and reloading components thereof;
- 435 (9) Commercially manufactured black powder in quantities not to exceed 50 pounds,
 436 percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and
 437 friction primers intended to be used solely for sporting, recreational, or cultural purposes
 438 in antique firearms or antique devices; or
- 439 (10) An explosive which is lawfully possessed in accordance with the rules adopted
 440 pursuant to Code Section 16-7-94."

441 **PART V**

442 **SECTION 5-1.**

443 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 444 amended by revising Chapter 2, relating to the regulation of fire and other hazards to persons
 445 and property generally, as follows:

446 "CHAPTER 2

447 25-2-1.

448 As used in this chapter, the term:

449 (1) 'Board' means the Fire Safety Advisory Board.

450 (2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

451 (3) 'Department' means the Department Fire Safety.

452 25-2-2.

453 ~~The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall~~
 454 ~~be the Safety Fire Commissioner.~~

455 (a) There is created the Department of Fire Safety. The Department of Fire Safety shall
 456 be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act';
 457 provided, however, that the department shall be assigned for administrative purposes only
 458 to the Department of Public Safety.

459 (b) There is created the position of commissioner of fire safety. The commissioner shall
 460 be the chief administrative officer of the Department of Fire Safety and shall be appointed
 461 by the Governor and serve at the pleasure of the Governor. Any person appointed to serve

462 as commissioner shall have a minimum of ten years' experience as a fire safety
 463 professional.

464 25-2-3.

465 Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner is charged
 466 with the duties and chief responsibility for the enforcement of this chapter. He or she may,
 467 consistent with this chapter, delegate to the officers and employees appointed under this
 468 chapter such duties and powers as in his or her discretion he or she shall deem necessary
 469 or advisable for the proper enforcement of this chapter and shall have full supervision and
 470 control over such officers and employees in the performance of their duties or in the
 471 exercise of any powers granted to such officers and employees by him or her or by this
 472 chapter. Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner
 473 shall be the final authority in all matters relating to the interpretation and enforcement of
 474 this chapter, except insofar as his or her orders may be reversed or modified by the courts.

475 25-2-4.

476 The ~~Commissioner~~ commissioner shall adopt such rules and regulations as he or she deems
 477 necessary to promote the enforcement of this chapter. Such rules and regulations shall
 478 have the force and effect of law and shall have state-wide application as being the state
 479 minimum fire safety standards and shall not require adoption by a municipality or county.
 480 The governing authority of any municipality or county in this state is authorized to enforce
 481 the state minimum fire safety standards on all buildings and structures except one-family
 482 and two-family dwellings and those buildings and structures listed in Code Section
 483 25-2-13. All other applications of the state minimum fire safety standards and fees are
 484 specified in Code Sections 25-2-4.1, 25-2-12, and 25-2-12.1. Before the ~~Commissioner~~
 485 commissioner shall adopt as a part of his or her rules and regulations for the enforcement
 486 of this chapter any of the principles of the various codes referred to in this chapter, he or
 487 she shall first consider and approve them as reasonably suitable for the enforcement of this
 488 chapter. Not less than 15 days before any rules and regulations are promulgated, a public
 489 hearing shall be held. Notice of the hearing shall be advertised in a newspaper of general
 490 circulation.

491 25-2-4.1.

492 (a) The ~~Commissioner~~ commissioner is authorized to assess and collect, and persons so
 493 assessed shall pay in advance to the ~~Commissioner~~ commissioner, fees and charges under
 494 this chapter as follows:

495	(1) New anhydrous ammonia permit for storage in bulk (more than	
496	2,000 gallons aggregate capacity) for sale or distribution one-time	
497	fee	\$ 150.00
498	(2) Annual license for manufacture of explosives other than	
499	fireworks	150.00
500	(3) Annual license for manufacture, storage, or transport of	
501	fireworks	1,500.00
502	(4) Carnival license	150.00
503	(5) Certificate of occupancy	100.00
504	(6) Construction plan review:	
505	(A) Bulk storage construction	150.00
506	(B) Building construction, 10,000 square feet or less	150.00
507	(C) Building construction, more than 10,000 square feet015 per square foot
508	(D) Other construction	150.00
509	(7) Fire sprinkler contractor certificate of competency	150.00
510	(8) Liquefied petroleum gas storage license:	
511	(A) 2,000 gallons or less	150.00
512	(B) More than 2,000 gallons	600.00
513	(9) Building construction inspection:	
514	(A) 80 percent completion, 100 percent completion, annual, and	
515	first follow-up	none
516	(B) Second follow-up	150.00
517	(C) Third and each subsequent follow-up	220.00
518	(10) Purchase, storage, sale, transport, or use of explosives other	
519	than fireworks:	
520	(A) 500 pounds or less	75.00
521	(B) More than 500 pounds	150.00
522	(11) New self-service gasoline station permit one-time fee	150.00
523	(12) New permit to dispense compressed natural gas (CNG) for	
524	vehicular fuel one-time fee	150.00
525	(b) The licenses and permits for which fees or charges are required pursuant to this Code	
526	section shall not be transferable. A new license or permit and fee are required upon change	
527	of ownership.	

528 25-2-4.2.

529 The commissioner, or his or her designee within the department, shall manage this state's
530 fire service preparedness and functions as it relates to terrorism, weapons of mass
531 destruction, hazardous incidents, and natural disasters or emergencies. The commissioner,
532 or his or her designee, shall, as necessary, liaise with the Georgia Emergency Management
533 and Homeland Security Agency, other agencies of this state, federal agencies, and agencies
534 of other states in developing and executing plans, procedures, and policies for purposes of
535 this Code section.

536 25-2-5.

537 ~~The Commissioner~~ commissioner shall appoint a state fire marshal. Qualifications for
538 appointment as state fire marshal shall be previous training and experience in endeavors
539 similar to those prescribed in this chapter. ~~The Commissioner~~ commissioner shall fix the
540 salary of the state fire marshal.

541 25-2-6.

542 ~~The Safety Fire Division of the office of the Commissioner of Insurance shall be headed~~
543 ~~by the state fire marshal appointed by the Commissioner~~ Reserved.

544 25-2-7.

545 The state fire marshal, subject to the approval of the ~~Commissioner~~ commissioner, shall
546 appoint a deputy state fire marshal and administrative fire safety specialists and shall
547 employ such office personnel as may be required to carry out this chapter. The deputy state
548 fire marshal and administrative fire safety specialists shall be chosen by virtue of their
549 previous training and experience in the particular duties which shall be assigned to them.
550 They shall take an oath to perform faithfully the duties of their ~~office~~ offices.

551 25-2-8.

552 All state employees connected with the state fire marshal's office shall be allowed
553 subsistence, lodging, and other expenses in connection with the execution of their duties
554 when away from their headquarters. Transportation for such employees shall be paid at the
555 mileage rate fixed by law for other state employees.

556 25-2-9.

557 (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the
558 district attorney of the judicial circuit, or a local fire official, the state fire marshal and any

559 employees of such official shall have the authority to investigate the cause and origin of
 560 any fire which occurred in said county, jurisdiction, or judicial circuit.

561 (b) Personnel employed and authorized by the state fire marshal shall have the power to
 562 make arrests for criminal violations established as a result of investigations. Such
 563 personnel must hold certification as a peace officer from the Georgia Peace Officer
 564 Standards and Training Council and shall have the power to execute arrest warrants and
 565 search warrants for criminal violations and to arrest, upon probable cause and without
 566 warrant, any person found violating any of the provisions of applicable criminal laws.
 567 Authorized personnel empowered to make arrests pursuant to this Code section shall be
 568 empowered to carry firearms as authorized by the state fire marshal in the performance of
 569 their duties. It shall be unlawful for any person to resist an arrest authorized by this Code
 570 section or to interfere in any manner, including abetting or assisting such resistance or
 571 interference, with personnel employed by the state fire marshal in the duties imposed upon
 572 such personnel by law.

573 25-2-10.

574 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or
 575 decision of the state fire marshal, the right is granted to appeal within ten days to the
 576 ~~Commissioner~~ commissioner. If the person, firm, corporation, or public entity is
 577 dissatisfied with the decision of the ~~Commissioner~~ commissioner, appeal is authorized to
 578 the superior court within 30 days in the manner provided under Chapter 13 of Title 50, the
 579 'Georgia Administrative Procedure Act.' In the event of such appeal, the person, firm,
 580 corporation, or public entity shall give a surety bond which will be conditioned upon
 581 compliance with the order and direction of the state fire marshal or the ~~Commissioner~~
 582 commissioner or both. The amount of bond shall be fixed by the ~~Commissioner~~
 583 commissioner in such amount as will reasonably cover the order issued by the
 584 ~~Commissioner~~ commissioner or the state fire marshal or both.

585 25-2-11.

586 Reserved.

587 25-2-12.

588 (a)(1) The county governing authority in any county having a population of 100,000 or
 589 more, and the municipal governing authority in any municipality having a population of
 590 45,000 or more, each as determined by the most recent decennial census published by the
 591 United States Bureau of the Census, and those municipalities pursuant to subsection (b)
 592 of this Code section shall adopt the state minimum fire safety standards adopted in the

593 rules and regulations promulgated pursuant to this chapter, including all subsequent
594 revisions thereof.

595 (2) With respect to those buildings and structures listed in Code Section 25-2-13, except
596 for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions
597 and except for buildings and structures which are owned and operated or occupied by the
598 state, every such local governing authority shall be responsible for enforcing such fire
599 safety standards within its jurisdiction and shall:

600 (A) Conduct fire safety inspections of existing buildings and structures;

601 (B) Review plans and specifications for proposed buildings and structures, issue
602 building permits when plans are approved, and conduct fire safety inspections of such
603 buildings and structures; and

604 (C) Issue permanent and temporary certificates of occupancy.

605 (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel
606 of any such local governing authority from making inspections of any state owned and
607 operated or occupied building or structure listed in Code Section 25-2-13 and from filing
608 reports of such inspections with the ~~office of the Commissioner~~ department.

609 (4) Nothing in this subsection shall be construed so as to place upon any municipality,
610 county, or any officer or employee thereof, the responsibility to take enforcement action
611 regarding any existing building or structure listed in Code Section 25-2-13, if such
612 building or structure was granted a certificate of occupancy pursuant to a waiver granted
613 prior to January 1, 1982, and which was granted pursuant to the recommendation of the
614 engineering staff over the objection of the local authority having jurisdiction.

615 (5) Every such local governing authority shall have the authority to charge and retain
616 appropriate fees for performing the duties required in subparagraphs (A) and (B) of
617 paragraph (2) of this subsection. In cases where the governing authority of a municipality
618 enforcing fire safety standards pursuant to this subsection contracts for the enforcement
619 of fire safety standards, any municipal or county office or authority providing such
620 enforcement shall not charge fees in excess of those charged in its own political
621 subdivision for such enforcement.

622 (6) Every such local governing authority shall be responsible for investigating all cases
623 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties
624 and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out
625 such responsibility, and shall submit quarterly reports to the state fire marshal containing
626 fire-loss data regarding all fires within its jurisdiction. The state fire marshal shall have
627 the authority to initiate any arson investigation upon request of any such local governing
628 authority, and he or she shall provide assistance to the requesting authority regarding any
629 of the duties and responsibilities required by this paragraph.

630 (7) No such local governing authority shall have the authority to grant any waiver or
631 variance which would excuse any building, structure, or proposed plans for buildings or
632 structures from compliance with the state minimum fire safety standards as adopted in
633 the rules and regulations promulgated pursuant to this chapter.

634 (b) Municipalities having a population of less than 45,000 as determined by the most
635 recent decennial census published by the United States Bureau of the Census may adopt
636 the state minimum fire safety standards adopted in the rules and regulations promulgated
637 pursuant to this chapter, including all subsequent revisions thereof. The municipal
638 governing authority shall indicate its intention to adopt and enforce the state minimum fire
639 safety standards by forwarding a resolution so indicating to the ~~Commissioner~~
640 commissioner. The municipality shall then adopt and enforce the state minimum fire safety
641 standards as set forth in subsection (a) of this Code section.

642 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in
643 jurisdictions other than those jurisdictions covered under subsection (a) of this Code
644 section, and with respect to every such hospital and every such building and structure
645 owned and operated or occupied by the state, wherever located, the ~~office of the~~
646 Commissioner department shall perform those duties specified in paragraph (2) of
647 subsection (a) of this Code section and shall perform all other duties required by this
648 chapter.

649 (d) Except as specifically stated in this Code section, nothing in this Code section shall
650 reduce or avoid the duties and responsibilities of the ~~office of the Commissioner~~
651 department or the state fire marshal imposed by other Code sections of this chapter, other
652 provisions of this Code, or any existing contract or agreement and all renewals thereof
653 between the ~~office of the Commissioner~~ department or the state fire marshal and any other
654 state or federal government agency. Nothing in this Code section shall prohibit the ~~office~~
655 ~~of the Commissioner~~ department, state fire marshal, or any local governing authority from
656 entering into any future contract or agreement regarding any of the duties imposed under
657 this Code section.

658 (e)(1) The ~~office of the Commissioner~~ department shall be responsible for interpretations
659 of the state minimum fire safety standards as adopted in the rules and regulations
660 promulgated pursuant to this chapter.

661 (2) On the construction on existing buildings, local governments authorized to enforce
662 the state minimum fire safety standards pursuant to subsection (a) and subsection (b) of
663 this Code section, notwithstanding paragraph (7) of subsection (a) of this Code section,
664 may grant variances from compliance with the state minimum fire safety standards as
665 adopted in the rules and regulations promulgated pursuant to this chapter.

666 (3) On the construction on existing buildings not under the jurisdiction of a local
 667 government for purposes of paragraph (2) of this subsection, the ~~Commissioner~~
 668 commissioner may grant variances from compliance with the state minimum fire safety
 669 standards as adopted in the rules and regulations promulgated pursuant to this chapter.

670 (4) On the construction of new buildings, the ~~Commissioner~~ commissioner, upon the
 671 written recommendation of the state fire marshal and the written request of the fire or
 672 building official responsible for enforcing the state minimum fire safety standards, may
 673 grant variances from compliance with the state minimum fire safety standards as adopted
 674 in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered
 675 under subsection (a) of this Code section and jurisdictions other than those covered under
 676 subsection (a) of this Code section.

677 (5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be
 678 as nearly equivalent as practical to the standards required in this chapter.

679 25-2-12.1.

680 (a) As used in this Code section, the term:

681 (1) 'Deputy local fire marshal' means any person who is employed by, supervised by, or
 682 otherwise assists a local fire marshal and who has been or is seeking to be deputized
 683 pursuant to this Code section.

684 (2) 'Local fire marshal' means any employee or independent contractor of any
 685 municipality, county, or other governing authority not adopting the state minimum fire
 686 safety standards as provided in subsection (a) of Code Section 25-2-12 who is responsible
 687 for performing fire safety duties for such municipality, county, or governing authority and
 688 who has been or is seeking to be deputized pursuant to this Code section.

689 (3) 'State inspector' means any person who is employed by any board, commission, or
 690 other administrative authority of any state owned and operated or occupied facility, who
 691 is responsible for performing fire safety duties within such facility, and who has been or
 692 is seeking to be deputized pursuant to this Code section.

693 (b) Upon application submitted by any governing authority or administrative authority
 694 described in subsection (a) of this Code section, the state fire marshal, subject to the
 695 approval of the ~~Commissioner~~ commissioner and in accordance with this Code section,
 696 shall have the authority to deputize local fire marshals, deputy local fire marshals, or state
 697 inspectors, as appropriate, as state officers. The application shall be verified by an
 698 appropriate official and shall contain the name, address, and current place of employment
 699 for each applicant seeking to be deputized and the dates and places of past employment,
 700 educational background, training experience, any area of specialization and the basis
 701 therefor, and such other information as may be required by the state fire marshal.

702 (c)(1) Prior to deputizing any local fire marshal, deputy local fire marshal, or state
 703 inspector, the state fire marshal shall examine the applicant's education, training, and
 704 employment experience to ascertain whether the applicant is qualified to perform duties
 705 in one or more of the following areas:

- 706 (A) Fire safety inspections;
- 707 (B) Review of plans and specifications; or
- 708 (C) Arson investigations.

709 (2) If the state fire marshal is satisfied that the applicant is qualified, he or she shall
 710 recommend to the ~~Commissioner~~ commissioner that the applicant be deputized as a state
 711 officer to perform the appropriate duties on behalf of the state.

712 (d) It shall be the responsibility of the governing authority to notify the state fire marshal
 713 when a local fire marshal is no longer employed by or accountable to such governing
 714 authority. It shall be the responsibility of the local fire marshal to ensure that his or her
 715 deputy local fire marshals perform their appointed duties and to notify the state fire marshal
 716 when a deputy local fire marshal is no longer employed under his or her authority. It shall
 717 be the responsibility of the administrative authority to ensure that state inspectors perform
 718 their appointed duties and to notify the state fire marshal when a state inspector is no longer
 719 employed by such administrative authority.

720 (e) All deputized local fire marshals, deputy local fire marshals, and state inspectors shall
 721 submit monthly reports of their activities to the state fire marshal and shall comply with the
 722 administrative procedures of the state fire marshal's office. Any deputized local fire
 723 marshal, deputy local fire marshal, or state inspector who is found by the state fire marshal
 724 to be negligent in performing his or her appointed duties or in fulfilling his or her
 725 responsibilities shall be removed from his or her position as a state officer.

726 25-2-13.

727 (a) As used in this Code section, the term:

728 (1) 'Capacity' means the maximum number of persons who may be reasonably expected
 729 to be present in any building or on any floor thereof at a given time according to the use
 730 which is made of such building. The ~~Commissioner~~ commissioner shall determine and
 731 by rule declare the formula for determining capacity for each of the uses described in this
 732 Code section.

733 (2) 'Historic building or structure' means any individual building or any building which
 734 contributes to the historic character of a historic district, so designated by the state
 735 historic preservation officer pursuant to rules and regulations adopted by the Board of
 736 Natural Resources, or as so designated pursuant to the provisions of Article 2 of Chapter
 737 10 of Title 44, the 'Georgia Historic Preservation Act.'

738 (3) 'Landmark museum building' means a historic building or structure used as an exhibit
 739 of the building or structure itself which exhibits a high degree of architectural integrity
 740 and which is open to the public not fewer than 12 days per year; however, additional uses,
 741 original or ancillary, to the use as a museum shall be permitted within the same building
 742 subject to the provisions of paragraph (3) of subsection (b) of this Code section.
 743 Landmark museum buildings must be so designated by the state historic preservation
 744 officer pursuant to rules and regulations adopted by the Board of Natural Resources.

745 (b)(1) Certain buildings and structures, because of construction or use, may constitute
 746 a special hazard to property or to the life and safety of persons on account of fire or panic
 747 from fear of fire. Buildings constructed or used in the following manner present such a
 748 special hazard:

749 (A) Buildings or structures more than three stories in height; provided, however, that
 750 nothing in this Code section shall apply to any individually owned residential unit
 751 within any such building;

752 (B) Any building three or more stories in height and used as a residence by three or
 753 more families, with individual cooking and bathroom facilities for each family;
 754 provided, however, that nothing in this Code section shall apply to any individually
 755 owned residential unit within any such building;

756 (C) Any building in which there are more than 15 sleeping accommodations for hire,
 757 with or without meals but without individual cooking facilities, whether designated as
 758 a hotel, motel, inn, club, dormitory, rooming or boarding house, or by any other name;

759 (D) Any building or group of buildings which contain schools and academies for any
 760 combination of grades one through 12 having more than 15 children or students in
 761 attendance at any given time and all state funded kindergarten programs;

762 (E) Hospitals, health care centers, mental health institutions, orphanages, nursing
 763 homes, convalescent homes, old age homes, jails, prisons, reformatories, and all
 764 administrative, public assembly, and academic buildings of colleges, universities, and
 765 vocational-technical schools. As used in this subparagraph, the terms 'nursing homes,'
 766 'convalescent homes,' and 'old age homes' mean any building used for the lodging,
 767 personal care, or nursing care on a 24 hour basis of four or more invalids,
 768 convalescents, or elderly persons who are not members of the same family;

769 (F) Racetracks, stadiums, and grandstands;

770 (G) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls,
 771 recreation halls, and other places of public assembly having an occupant load of 300
 772 or more persons, except that the occupant load shall be 100 or more persons in those
 773 buildings where alcoholic beverages are served;

774 (G.1) Churches having an occupant load of 500 or more persons in a common area or
775 having an occupant load greater than 1,000 persons based on total occupant load of the
776 building or structure;

777 (H) Department stores and retail mercantile establishments having a gross floor area
778 of 25,000 square feet on any one floor or having three or more floors that are open to
779 the public. For purposes of this subparagraph, shopping centers and malls shall be
780 assessed upon the basis of the entire area covered by the same roof or sharing common
781 walls; provided, however, that nothing in this Code section shall apply to single-story
782 malls or shopping centers subdivided into areas of less than 25,000 square feet by a
783 wall or walls with a two-hour fire resistance rating and where there are unobstructed
784 exit doors in the front and rear of every such individual occupancy which open directly
785 to the outside;

786 (I) Child care learning centers, as such term is defined in Code Section 20-1A-2. Fire
787 safety standards adopted by rules of the ~~Commissioner~~ commissioner pursuant to Code
788 Section 25-2-4 which are applicable to child care learning centers shall not require
789 staff-to-child ratios; and

790 (J) Personal care homes and assisted living communities required to be licensed as
791 such by the Department of Community Health and having at least seven beds for
792 nonfamily adults, and the ~~Commissioner~~ commissioner shall, pursuant to Code Section
793 25-2-4, by rule adopt state minimum fire safety standards for those homes, and any
794 structure constructed as or converted to a personal care home on or after April 15, 1986,
795 shall be deemed to be a proposed building pursuant to subsection (d) of Code Section
796 25-2-14 and that structure may be required to be furnished with a sprinkler system
797 meeting the standards established by the ~~Commissioner~~ commissioner if he or she
798 deems this necessary for proper fire safety.

799 (2) Any building or structure which is used exclusively for agricultural purposes and
800 which is located in an unincorporated area shall be exempt from the classification set
801 forth in paragraph (1) of this subsection.

802 (3)(A) The provisions of this paragraph relating to landmark museum buildings shall
803 apply only to those portions of such buildings which meet all the requirements of a
804 landmark museum building, except as otherwise provided in subparagraphs (B) and (C)
805 of this paragraph. Subparagraphs (B) and (C) of this paragraph shall, unless otherwise
806 provided in such subparagraphs, preempt all state laws, regulations, or rules governing
807 reconstruction, alteration, repair, or maintenance of landmark museum buildings. Local
808 governing authorities may recognize the designation of landmark museum buildings by
809 ordinance and authorize the local enforcement authority to incorporate the provisions
810 of subparagraphs (B) and (C) of this paragraph into their local building and fire codes.

811 Subparagraphs (D) and (E) of this paragraph shall apply to other historic buildings or
812 structures.

813 (B) A landmark museum building shall be subject to the following provisions:

814 (i) Repairs, maintenance, and restoration shall be allowed without conformity to any
815 state building or fire safety related code, standard, rule, or regulation, provided that
816 the building is brought into and remains in full compliance with this paragraph;

817 (ii) In the case of fire or other casualty to a landmark museum building, it may be
818 rebuilt, in total or in part, using such techniques and materials as are necessary to
819 restore it to the condition prior to the fire or casualty and use as a totally preserved
820 building; or

821 (iii) If a historic building or structure, as a result of proposed work or changes in use,
822 would become eligible and would be so certified as a landmark museum building, and
823 the state historic preservation officer so certifies and such is submitted to the state fire
824 and building code official with the construction or building permit application, then
825 the work may proceed under the provisions of this paragraph.

826 (C) All landmark museum buildings shall comply with the following requirements:

827 (i) Every landmark museum building shall have portable fire extinguishers as deemed
828 appropriate by the state or local fire authority having jurisdiction based on the
829 applicable state or local fire safety codes or regulations;

830 (ii) All landmark museum buildings which contain residential units shall have
831 electrically powered smoke or products of combustion detectors installed within each
832 living unit between living and sleeping areas. Such detectors shall be continuously
833 powered by the building's electrical system. When activated, the detector shall initiate
834 an alarm which is audible in sleeping rooms of that living unit. These unit detectors
835 shall be required in addition to any other protective system that may be installed in
836 the building;

837 (iii) For all landmark museum buildings, except those protected by a total automatic
838 fire suppression system and one and two family dwellings, approved automatic fire
839 warning protection shall be provided as follows: install at least one listed smoke or
840 products of combustion detector for every 1,200 square feet of floor area per floor or
841 story. In addition, all lobbies, common corridors, hallways, and ways of exit access
842 shall be provided with listed smoke or products of combustion detectors not more
843 than 30 feet apart. Detectors shall be so connected as to sound an alarm audible
844 throughout the structure or building. With respect to buildings which are totally
845 protected by an automatic fire suppression system, activation of the sprinkler system
846 shall sound an alarm throughout the structure or building;

- 847 (iv) Smoke or products of combustion detectors shall be listed by a nationally
848 recognized testing laboratory;
- 849 (v) All multistory landmark museum buildings, except one and two family dwellings,
850 with occupancy above or below the street or grade level shall have manual fire alarm
851 pull stations in the natural path of egress. The activation of a manual pull station shall
852 cause the building fire warning system to sound;
- 853 (vi) Approved exit signs shall be located where designated by the local or state
854 authority having jurisdiction in accordance with the applicable state or local code,
855 standard, rule, or regulation;
- 856 (vii) Except for one and two family dwellings, every landmark museum building
857 occupied after daylight, or which has occupied areas subject to being totally darkened
858 during daylight hours due to a power failure or failure of the electrical system, shall
859 be equipped with approved emergency lighting meeting the provisions of the
860 applicable state or local code, standard, rule, or regulation;
- 861 (viii) Occupant loading of landmark museum buildings or structures shall be limited
862 by either the actual structural floor load capacity or by the limitations of means of
863 egress or by a combination of factors. Actual floor load capacity shall be determined
864 by a Georgia registered professional engineer. Said floor load shall be posted at a
865 conspicuous location. The building owner shall submit evidence of this certification
866 and related computations to the enforcement authority having jurisdiction, upon
867 request. Where one or more floors of a landmark museum building have only one
868 means of egress, the occupant load shall be computed and occupancy limited as
869 determined by the state or local fire marshal; and
- 870 (ix) The electrical, heating, and mechanical systems of landmark museum buildings
871 shall be inspected and any conditions that create a threat of fire or a threat to life shall
872 be corrected in accordance with applicable standards to the extent deemed necessary
873 by the state or local authority having jurisdiction.
- 874 (D) Historic buildings not classified as landmark museum buildings shall meet the
875 requirements of applicable state or local building and fire safety laws, ordinances,
876 codes, standards, rules, or regulations as they pertain to existing buildings. If a historic
877 building or structure is damaged from fire or other casualty, it may be restored to the
878 condition prior to the fire or casualty using techniques and methods consistent with its
879 original construction, or it shall meet the requirements for new construction of the
880 applicable state or local codes, standards, rules, or regulations, provided that these
881 requirements do not significantly compromise the features for which the building was
882 considered historically significant.

883 (E) As to any buildings or structures in the State of Georgia which meet the criteria of
884 paragraph (1) of subsection (b) of this Code section and thus fall under the jurisdiction
885 of the ~~Safety Fire Commissioner~~ commissioner and which also have been designated
886 as historically significant by the state historic preservation officer, the appropriate
887 enforcement official, in granting or denying a variance pursuant to subsection (e) of
888 Code Section 25-2-12, shall consider the intent of this chapter, with special attention
889 to paragraph (3) of this subsection, Article 3 of Chapter 2 of Title 8, 'The Uniform Act
890 for the Application of Building and Fire Related Codes to Existing Buildings,' Article
891 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act,' and the Secretary
892 of Interior's Standards for Preservation Projects.

893 (4) Nothing in this subsection shall be construed as exempting any building, structure,
894 facility, or premises from ordinances enacted by any municipal governing authority in
895 any incorporated area or any county governing authority in any unincorporated area,
896 except to the extent stated in paragraph (3) of this subsection relative to landmark
897 museum buildings or historic buildings or structures.

898 (c) Every person who owns or controls the use of any building, part of a building, or
899 structure described in paragraph (1) of subsection (b) of this Code section, which, because
900 of floor area, height, location, use or intended use as a gathering place for large groups, or
901 use or intended use by or for the aged, the ill, the incompetent, or the imprisoned,
902 constitutes a special hazard to property or to the life and safety of persons on account of
903 fire or panic from fear of fire, must so construct, equip, maintain, and use such building or
904 structure as to afford every reasonable and practical precaution and protection against
905 injury from such hazards. No person who owns or controls the use or occupancy of such
906 a building or structure shall permit the use of the premises so controlled for any such
907 specially hazardous use unless he or she has provided such precautions against damage to
908 property or injury to persons by these hazards as are found and determined by the
909 ~~Commissioner~~ commissioner in the manner described in subsection (d) of this Code section
910 to be reasonable and practical.

911 (d) The ~~Commissioner~~ commissioner is directed to investigate and examine construction
912 and engineering techniques; properties of construction materials, fixtures, facilities, and
913 appliances used in, upon, or in connection with buildings and structures; and fire
914 prevention and protective techniques, including, but not limited to, the codes and standards
915 adopted, recommended, or issued from time to time by the National Fire Protection
916 Association (National Fire Code and National Electric Code), the American Insurance
917 Association (National Building Code), the successor to the National Board of Fire
918 Underwriters, the American Standards Association, and the Standard Building Code
919 Congress (Southern Standard Building Code). Based upon such investigation, the

920 ~~Commissioner~~ commissioner is authorized to determine and by rule to provide what
921 reasonable and practical protection must be afforded property and persons with respect to:
922 exits; fire walls and internal partitions adequate to resist fire and to retard the spread of fire,
923 smoke, heat, and gases; electrical wiring, electrical appliances, and electrical installations;
924 safety and protective devices, including, but not limited to, fire escapes, fire prevention
925 equipment, sprinkler systems, fire extinguishers, panic hardware, fire alarm and detection
926 systems, exit lights, emergency auxiliary lights, and other similar safety devices;
927 flameproofing; motion picture equipment and projection booths; and similar facilities;
928 provided, however, that any building described in subparagraph (b)(1)(C) of this Code
929 section shall be required to have a smoke or products of combustion detector listed by a
930 nationally recognized testing laboratory; and, regardless of the manufacturer's instructions,
931 such detectors in these buildings shall be located in all interior corridors, halls, and
932 basements no more than 30 feet apart or more than 15 feet from any wall; where there are
933 no interior halls or corridors, the detectors shall be installed in each sleeping room. All
934 detection systems permitted after April 1, 1992, shall be powered from the building's
935 electrical system and all detection systems required by this chapter, permitted after April 1,
936 1992, shall have a one and one-half hour emergency power supply source. Required
937 corridor smoke detector systems shall be electrically interconnected to the fire alarm, if a
938 fire alarm is required. If a fire alarm is not required, the detectors at a minimum shall be
939 approved single station detectors powered from the building electrical service.

940 (e) All rules and regulations promulgated before April 1, 1968, by predecessor authority,
941 the ~~Commissioner~~ commissioner, or the state fire marshal and the minimum fire safety
942 standards adopted therein shall remain in full force and effect where applicable until such
943 time as they are amended by the appropriate authority.

944 (f) The municipal governing authority in any incorporated area or the county governing
945 authority in any unincorporated area of the state shall have the authority to enact such
946 ordinances as it deems necessary to perform fire safety inspections and related activities
947 for those buildings and structures not covered in this Code section.

948 (g) Notwithstanding any other provision of law or any local ordinance to the contrary, in
949 the event of a conflict between any code or standard of the National Fire Protection
950 Association (National Fire Code and National Electric Code) and of the Standard Building
951 Code Congress (Southern Standard Building Code), the code or standard of the National
952 Fire Protection Association (National Fire Code and National Electric Code) shall prevail.
953 The order of precedence established by this subsection shall apply to all buildings and
954 structures whether or not such buildings and structures are covered under this Code section.

955 25-2-14.

956 (a)(1) Plans and specifications for all proposed buildings which come under
957 classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come
958 under the jurisdiction of the ~~office of the Commissioner~~ department pursuant to Code
959 Section 25-2-12 shall be submitted to and receive approval by either the state fire
960 marshal, the proper local fire marshal, or state inspector before any state, municipal, or
961 county building permit may be issued or construction started. All such plans and
962 specifications submitted as required by this subsection shall be accompanied by a fee in
963 the amount provided in Code Section 25-2-4.1 and shall bear the seal and Georgia
964 registration number of the drafting architect or engineer or shall otherwise have the
965 approval of the ~~Commissioner~~ commissioner.

966 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or
967 designated code official cannot provide plan review within 30 business days of
968 receiving a written application for permitting in accordance with the code official's plan
969 submittal process, then, in lieu of plan review by personnel employed by such
970 governing authority, any person, firm, or corporation engaged in a construction project
971 which requires plan review, regardless if the plan review is required by subsection (a)
972 of this Code section or by local county or municipal ordinance, shall have the option
973 of retaining, at its own expense, a private professional provider to provide the required
974 plan review. As used in this paragraph, the term 'private professional provider' means
975 a professional engineer who holds a certificate of registration issued under Chapter 15
976 of Title 43 or a professional architect who holds a certificate of registration issued
977 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or
978 financially interested in the person, firm, or corporation engaged in the construction
979 project to be reviewed.

980 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated
981 code official shall advise the permit applicant at the time the complete submittal
982 application for a permit in accordance with the code official's plan submittal process is
983 received that the state fire marshal, the proper local fire marshal, state inspector, or
984 designated code official intends to complete the required plan review within the time
985 prescribed by this paragraph or that the applicant may immediately secure the services
986 of a private professional provider to complete the required plan review pursuant to this
987 subsection. The plan submittal process shall include those procedures and approvals
988 required by the local jurisdiction before plan review can take place. If the state fire
989 marshal, the proper local fire marshal, state inspector, or designated code official states
990 its intent to complete the required plan review within the time prescribed by this
991 paragraph, the applicant shall not be authorized to use the services of a private

992 professional provider as provided in this subsection. The permit applicant and the state
993 fire marshal, the proper local fire marshal, state inspector, or designated code official
994 may agree by mutual consent to extend the time period prescribed by this paragraph for
995 plan review if the characteristics of the project warrant such an extension. However,
996 if the state fire marshal, the proper local fire marshal, state inspector, or designated code
997 official states its intent to complete the required plan review within the time prescribed
998 by this paragraph, or any extension thereof mutually agreed to by the applicant and the
999 state fire marshal, the proper local fire marshal, state inspector, or designated code
1000 official and does not permit the applicant to use the services of a private professional
1001 provider and the state fire marshal, the proper local fire marshal, state inspector, or
1002 designated code official fails to complete such plan review in the time prescribed by
1003 this paragraph, or any extension thereof mutually agreed to by the applicant and the
1004 state fire marshal, the proper local fire marshal, state inspector, or designated code
1005 official, the state fire marshal, the proper local fire marshal, state inspector, or
1006 designated code official shall issue the applicant a project initiation permit to allow the
1007 applicant to begin work on the project, provided that portion of the initial phase of work
1008 is compliant with applicable codes, laws, and rules. If a full permit is not issued for the
1009 portion requested for permitting, then the state fire marshal, the proper local fire
1010 marshal, state inspector, or designated code official shall have an additional 20 business
1011 days to complete the review and issue the full permit. If the plans submitted for
1012 permitting are denied for any deficiency, the time frames and process for resubmittal
1013 shall be governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

1014 (C) Any plan review or inspection conducted by a private professional provider shall
1015 be no less extensive than plan reviews or inspections conducted by state, county, or
1016 municipal personnel responsible for review of plans for compliance with the state's
1017 minimum fire safety standards and, where applicable, the state's minimum accessibility
1018 standards.

1019 (D) The person, firm, or corporation retaining a private professional provider to
1020 conduct a plan review shall be required to pay to the state fire marshal, the proper local
1021 fire marshal, state inspector, or designated code official which requires the plan review
1022 the same regulatory fees and charges which would have been required had the plan
1023 review been conducted by the state fire marshal, the proper local fire marshal, state
1024 inspector, or designated code official.

1025 (E) A private professional provider performing plan reviews under this subsection shall
1026 review construction plans to determine compliance with the state's minimum fire safety
1027 standards in effect which were adopted pursuant to this chapter and, where applicable,
1028 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.

1029 Upon determining that the plans reviewed comply with the applicable codes and
1030 standards as adopted, such private professional provider shall prepare an affidavit or
1031 affidavits on a form prescribed by the ~~Safety Fire Commissioner~~ commissioner
1032 certifying under oath that the following is true and correct to the best of such private
1033 professional provider's knowledge and belief and in accordance with the applicable
1034 professional standard of care:

1035 (i) The plans were reviewed by the affiant who is duly authorized to perform plan
1036 review pursuant to this subsection and who holds the appropriate license or
1037 certifications and insurance coverage and insurance coverage stipulated in this
1038 subsection; and

1039 (ii) The plans comply with the state's minimum fire safety standards in effect which
1040 were adopted pursuant to this chapter and, where applicable, the state's minimum
1041 accessibility standards adopted pursuant to Chapter 3 of Title 30.

1042 (F) All private professional providers providing plan review services pursuant to this
1043 subsection shall secure and maintain insurance coverage for professional liability
1044 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1
1045 million per claim and \$1 million in aggregate coverage. Such insurance may be a
1046 practice policy or project-specific coverage. If the insurance is a practice policy, it shall
1047 contain prior acts coverage for the private professional provider. If the insurance is
1048 project-specific, it shall continue in effect for two years following the issuance of the
1049 certificate of final completion for the project. The state fire marshal, the proper local
1050 fire marshal, state inspector, or designated code official may establish, for private
1051 professional providers working within their respective jurisdictions specified by this
1052 chapter, a system of registration listing the private professional providers within their
1053 areas of competency and verifying compliance with the insurance requirements of this
1054 subsection.

1055 (G) The private professional provider shall be empowered to perform any plan review
1056 required by the state fire marshal, the proper local fire marshal, state inspector, or
1057 designated code official, regardless if the plan review is required by this subsection or
1058 by local county or municipal ordinance, provided that the plan review is within the
1059 scope of such private professional provider's area of expertise and competency. This
1060 subsection shall not apply to hospitals, ambulatory health care centers, nursing homes,
1061 jails, penal institutions, airports, buildings or structures that impact national or state
1062 homeland security, or any building defined as a high-rise building in the State
1063 Minimum Standards Code, provided that interior tenant build-out projects within
1064 high-rise buildings are not exempt from this subsection, or plans related to Code
1065 Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10 of this title.

1066 (H)(i) The permit applicant shall submit a copy of the private professional provider's
1067 plan review report to the state fire marshal, the proper local fire marshal, state
1068 inspector, or designated code official. Such plan review report shall include at a
1069 minimum all of the following:

1070 (I) The affidavit of the private professional provider required pursuant to this
1071 subsection;

1072 (II) The applicable fees required for permitting;

1073 (III) Other documents deemed necessary due to unusual construction or design,
1074 smoke removal systems where applicable with engineering analysis, and additional
1075 documentation required where performance based code options are used; and

1076 (IV) Any documents required by the state fire marshal, the proper local fire
1077 marshal, state inspector, or designated code official to determine that the permit
1078 applicant has secured all other governmental approvals required by law.

1079 (ii) No more than 30 business days after receipt of a permit application and the
1080 private professional provider's plan review report required pursuant to this subsection,
1081 the state fire marshal, the proper local fire marshal, state inspector, or designated code
1082 official shall issue the requested permit or provide written notice to the permit
1083 applicant identifying the specific plan features that do not comply with the applicable
1084 codes or standards, as well as the specific reference to the relevant requirements. If
1085 the state fire marshal, the proper local fire marshal, state inspector, or designated code
1086 official does not provide a written notice of the plan deficiencies within the prescribed
1087 30 day period, the permit application shall be deemed approved as a matter of law and
1088 the permit shall be issued by the state fire marshal, the proper local fire marshal, state
1089 inspector, or designated code official on the next business day.

1090 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or
1091 designated code official provides a written notice of plan deficiencies to the permit
1092 applicant within the prescribed 30 day period, the 30 day period shall be tolled
1093 pending resolution of the matter. To resolve the plan deficiencies, the permit
1094 applicant may elect to dispute the deficiencies pursuant to this chapter, the
1095 promulgated rules and regulations adopted thereunder, or, where appropriate for
1096 existing buildings, the local governing authority's appeals process or the permit
1097 applicant may submit revisions to correct the deficiencies.

1098 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local
1099 fire marshal, state inspector, or designated code official shall have the remainder of
1100 the tolled 30 day period plus an additional five business days to issue the requested
1101 permit or to provide a second written notice to the permit applicant stating which of
1102 the previously identified plan features remain in noncompliance with the applicable

1103 codes or standards, with specific reference to the relevant requirements. If the state
1104 fire marshal, the proper local fire marshal, state inspector, or designated code official
1105 does not provide the second written notice within the prescribed time period, the
1106 permit shall be issued by the state fire marshal, the proper local fire marshal, state
1107 inspector, or designated code official on the next business day.

1108 (v) If the state fire marshal, the proper local fire marshal, state inspector, or
1109 designated code official provides a second written notice of plan deficiencies to the
1110 permit applicant within the prescribed time period, the permit applicant may elect to
1111 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated
1112 thereunder, or, where applicable for existing buildings, the local governing authority's
1113 appeals process or the permit applicant may submit additional revisions to correct the
1114 deficiencies. For all revisions submitted after the first revision, the state fire marshal,
1115 the proper local fire marshal, state inspector, or designated code official shall have an
1116 additional five business days to issue the requested permit or to provide a written
1117 notice to the permit applicant stating which of the previously identified plan features
1118 remain in noncompliance with the applicable codes or standards, with specific
1119 reference to the relevant requirements.

1120 (I) The state fire marshal may provide for the prequalification of private professional
1121 providers who may perform plan reviews pursuant to this subsection by rule or
1122 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state
1123 inspector, or designated code official may provide for the prequalification of private
1124 professional providers who may perform plan reviews pursuant to this subsection;
1125 however, no additional local ordinance implementing prequalification shall become
1126 effective until notice of the proper local fire marshal, state inspector, or designated code
1127 official's intent to require prequalification and the specific requirements for
1128 prequalification have been advertised in the newspaper in which the sheriff's
1129 advertisements for that locality are published. The ordinance implementing
1130 prequalification shall provide for evaluation of the qualifications of a private
1131 professional provider only on the basis of the private professional provider's expertise
1132 with respect to the objectives of this subsection, as demonstrated by the private
1133 professional provider's experience, education, and training. Such ordinance may
1134 require a private professional provider to hold additional certifications, provided that
1135 such certifications are required by ordinance or state law for plan review personnel
1136 currently directly employed by such local governing authority.

1137 (J) Nothing in this subsection shall be construed to limit any public or private right of
1138 action designed to provide protection, rights, or remedies for consumers.

1139 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated
1140 code official determines that the building construction or plans do not comply with the
1141 applicable codes or standards, the state fire marshal, the proper local fire marshal, state
1142 inspector, or designated code official may deny the permit or request for a certificate
1143 of occupancy or certificate of completion, as appropriate, or may issue a stop-work
1144 order for the project or any portion thereof as provided by law or rule or regulation,
1145 after giving notice and opportunity to remedy the violation, if the state fire marshal, the
1146 proper local fire marshal, state inspector, or designated code official determines that
1147 noncompliance exists with state laws, adopted codes or standards, or local ordinances,
1148 provided that:

1149 (i) The state fire marshal, the proper local fire marshal, state inspector, or designated
1150 code official shall be available to meet with the private professional provider within
1151 two business days to resolve any dispute after issuing a stop-work order or providing
1152 notice to the applicant denying a permit or request for a certificate of occupancy or
1153 certificate of completion; and

1154 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or
1155 designated code official and the private professional provider are unable to resolve the
1156 dispute, the matter shall be referred to the local enforcement agency's board of
1157 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed
1158 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or
1159 any existing building under the specific jurisdiction of the state fire marshal's office
1160 shall be made to the state fire marshal and further appeal shall be under Code Section
1161 25-2-10.

1162 (L) The state fire marshal, the proper local fire marshal, state inspector, local
1163 government, designated code official enforcement personnel, or agents of the governing
1164 authority shall be immune from liability to any person or party for any action or
1165 inaction by an owner of a building or by a private professional provider or its duly
1166 authorized representative in connection with building plan review services by private
1167 professional providers as provided in this subsection.

1168 (M) Except as provided in this paragraph, no proper local fire marshal, state inspector,
1169 or designated code official shall adopt or enforce any rules, procedures, policies, or
1170 standards more stringent than those prescribed in this subsection related to private
1171 professional provider services.

1172 (N) Nothing in this subsection shall limit the authority of the state fire marshal, the
1173 proper local fire marshal, state inspector, or designated code official to issue a
1174 stop-work order for a building project or any portion of such project, as provided by
1175 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice

1176 and opportunity to remedy the violation, if the official determines that a condition on
1177 the building site constitutes an immediate threat to public safety and welfare.

1178 (O) When performing building code plan reviews related to determining compliance
1179 with the Georgia State Minimum Standard Codes most recently adopted by the
1180 Department of Community Affairs, the state's minimum fire safety standards adopted
1181 by the safety fire marshal, or the state's minimum accessibility standards pursuant to
1182 Chapter 3 of Title 30, a private professional provider is subject to the disciplinary
1183 guidelines of the applicable professional licensing board with jurisdiction over such
1184 private professional provider's license or certification under Chapters 4 and 15 of
1185 Title 43, as applicable. Any complaint processing, investigation, and discipline that
1186 arise out of a private professional provider's performance of the adopted building, fire
1187 safety, or accessibility codes or standards plan review services shall be conducted by
1188 the applicable professional licensing board or as allowed by state rule or regulation.
1189 Notwithstanding any disciplinary rules of the applicable professional licensing board
1190 with jurisdiction over such private professional provider's license or certification under
1191 Chapters 4 and 15 of Title 43, the state fire marshal, the proper local fire marshal, state
1192 inspector, or designated code official enforcement personnel may decline to accept
1193 building plan reviews submitted by any private professional provider who has
1194 submitted multiple reports which required revisions due to negligence, noncompliance,
1195 or deficiencies.

1196 (b) A complete set of approved plans and specifications shall be maintained on the
1197 construction site, and construction shall proceed in compliance with the minimum fire
1198 safety standards under which such plans and specifications were approved. The owner of
1199 any such building or structure or his or her authorized representative shall notify the state
1200 fire marshal, the proper local fire marshal, or state inspector upon completion of
1201 approximately 80 percent of the construction thereof and shall apply for a certificate of
1202 occupancy when construction of such building or structure is completed.

1203 (c) Every building or structure which comes under classification in paragraph (1) of
1204 subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the
1205 ~~office of the Commissioner~~ department pursuant to Code Section 25-2-12 shall have a
1206 certificate of occupancy issued by the state fire marshal, the proper local fire marshal, or
1207 the state inspector before such building or structure may be occupied. Such certificates of
1208 occupancy shall be issued for each business establishment within the building, shall carry
1209 a charge in the amount provided in Code Section 25-2-4.1, shall state the occupant load for
1210 such business establishment or building, shall be posted in a prominent location within
1211 such business establishment or building, and shall run for the life of the building, except
1212 as provided in subsection (d) of this Code section.

1213 (d) For purposes of this chapter, any existing building or structure listed in paragraph (1)
 1214 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the
 1215 ~~office of the Commissioner~~ department pursuant to Code Section 25-2-12 shall be deemed
 1216 to be a proposed building in the event such building or structure is subject to substantial
 1217 renovation, a fire or other hazard of serious consequence, or a change in the classification
 1218 of occupancy. For purposes of this subsection, the term 'substantial renovation' means any
 1219 construction project involving exits or internal features of such building or structure costing
 1220 more than the building's or structure's assessed value according to county tax records at the
 1221 time of such renovation.

1222 (e) In cases where the governing authority of a municipality which is enforcing the fire
 1223 safety standards pursuant to subsection (a) of Code Section 25-2-12 contracts with the
 1224 ~~office of the Commissioner~~ department for the enforcement of fire safety standards, the
 1225 ~~office of the Commissioner~~ department shall not charge such municipality fees in excess
 1226 of those charged in this Code section.

1227 25-2-14.1.

1228 (a) Every building and structure existing as of April 1, 1968, which building or structure
 1229 is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the
 1230 minimum fire safety standards adopted in the rules and regulations promulgated pursuant
 1231 to this chapter which were in effect at the time such building or structure was constructed,
 1232 except that any nonconformance noted under the electrical standards adopted at the time
 1233 such building or structure was constructed shall be corrected in accordance with the current
 1234 electrical standards adopted pursuant to this chapter. A less restrictive provision contained
 1235 in any subsequently adopted minimum fire safety standard may be applied to any existing
 1236 building or structure.

1237 (b) Every proposed building and structure listed in paragraph (1) of subsection (b) of Code
 1238 Section 25-2-13 shall comply with the adopted minimum fire safety standards that were in
 1239 effect on the date that plans and specifications therefor were received by the state fire
 1240 marshal, the proper local fire marshal, or state inspector for review and approval.

1241 25-2-14.2.

1242 (a) As used in this Code section, the term 'written notification' means a typed, printed, or
 1243 handwritten notice citing the specific sections of the applicable codes or standards that have
 1244 been violated and describing specifically where and how the design or construction is
 1245 noncompliant with such codes or standards.

1246 (b) If the state fire marshal, the proper local fire marshal, state inspector, or designated
 1247 code official determines that the building construction or plans for any building or

1248 structure, which are required under this chapter to meet the state minimum fire safety
1249 standards, do not comply with any such applicable codes or standards, the state fire
1250 marshal, the proper local fire marshal, state inspector, or designated code official may deny
1251 a permit or request for a certificate of occupancy or certificate of completion, as
1252 appropriate, or may issue a stop-work order for the project or any portion thereof as
1253 provided by law or rule or regulation, after giving written notification and opportunity to
1254 remedy the violation.

1255 25-2-15.

1256 In existing buildings which come under the classification in paragraph (1) of subsection (b)
1257 of Code Section 25-2-13, when substandard conditions are found, a temporary occupancy
1258 permit may be issued, such permit carrying a time limit adjusted to meet the amount of
1259 time deemed necessary to make the proper corrections in order to bring the building up to
1260 standard. All certificates of occupancy shall be issued against the building and shall not
1261 require renewal because of change of ownership. The same set of fees for certificates of
1262 occupancy as are applicable to proposed buildings covered in Code Section 25-2-14 shall
1263 apply. The ~~Commissioner~~ commissioner and his or her delegated authorities shall
1264 determine the time limit for complying with any of the standards established pursuant to
1265 this chapter.

1266 25-2-16.

1267 (a) Some substances constitute a special hazard to property and to the life and safety of
1268 persons because of certain characteristics and properties incident to their storage, handling,
1269 and transportation. Substances presenting such a special hazard include gasoline, kerosene,
1270 and other flammable liquids; liquefied petroleum gases; welding and other gases;
1271 dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly
1272 flammable or hazardous nature.

1273 (b) Every person who stores, transports, or handles any of the hazardous substances listed
1274 in subsection (a) of this Code section shall so store, transport, and handle the substances
1275 as to afford every precaution and protection as may be found by the ~~Commissioner~~
1276 commissioner to be reasonable and practical to avoid injury to persons from exposure, fire,
1277 or explosion caused by the storage, transportation, or handling of these substances,
1278 including transportation thereof only in vehicles which are in proper condition for that
1279 purpose.

1280 (c) The ~~Commissioner~~ commissioner is directed to investigate the nature and properties
1281 of such hazardous substances and the known precautionary and protective techniques for
1282 their storage, transportation, and handling, including, but not limited to, the codes and

1283 standards adopted, recommended, or issued by the National Fire Protection Association and
 1284 the Agricultural Nitrogen Institute. Based upon the investigation, the ~~Commissioner~~
 1285 commissioner is authorized to determine and by rule to provide what precautionary and
 1286 protective techniques are reasonable and practical measures for the prevention of injury to
 1287 persons and property from the storage, transportation, and handling of such highly
 1288 flammable or hazardous substances. Such authorization shall include the power to provide,
 1289 by rule, the minimum standards that a vehicle shall meet before it is considered to be in
 1290 proper condition to transport the material. No person shall transport any such material or
 1291 substance in bulk unless the vehicle in which it is transported is in the proper condition, as
 1292 provided by such rules, to transport the material with reasonable safety.

1293 (d)(1) As used in this subsection, the term:

1294 (A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which
 1295 contains a valve which automatically shuts off the flow of gasoline or diesel fuel
 1296 through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a
 1297 certain level.

1298 (B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump
 1299 nozzle, which device mechanically holds the nozzle and valve in an open position.

1300 (C) 'Self-service station' means any place of business which sells gasoline or diesel fuel
 1301 at retail and which allows customers to dispense the fuel.

1302 (2) No self-service station shall be prohibited from installing and no customer at such
 1303 station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps
 1304 available for operation by the customer. However, if hold-open latches are used on
 1305 pumps operated by the customer, such pumps shall be equipped with a functioning
 1306 automatic-closing device.

1307 (e) Plans and specifications for all proposed bulk storage facilities which come under
 1308 classification in subsection (a) of this Code section shall be submitted to and receive
 1309 approval by the state fire marshal and the proper local fire marshal before construction is
 1310 started. All such plans and specifications submitted as required by this subsection shall be
 1311 accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration
 1312 number of the drafting architect or engineer or shall otherwise have the approval of the
 1313 ~~Commissioner~~ commissioner.

1314 25-2-17.

1315 (a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical
 1316 compound or mechanical mixture which is commonly used or intended for the purpose of
 1317 producing an explosion, which compound or mixture contains any oxidizing and
 1318 combustible units or other ingredients in such proportions, quantities, or packing that an

1319 ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of
1320 the compound or mixture may cause such a sudden generation of highly heated gases that
1321 the resultant gaseous pressures are capable of producing destructive effects on contiguous
1322 objects or of destroying life or limb. Explosives constitute a special hazard to life and
1323 safety of persons because of the danger incident to their manufacture, transportation, use,
1324 sale, and storage.

1325 (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so
1326 manufacture, transport, use, sell, and store them as to afford every precaution and
1327 protection against injury to persons as the ~~Commissioner~~ commissioner may determine and
1328 by rule declare to be reasonable and practical; provided, however, that nothing contained
1329 in this Code section shall be construed to extend to storage, use, or sale of small arms
1330 ammunition.

1331 (c) The ~~Commissioner~~ commissioner is directed to investigate and examine the nature and
1332 properties of various explosives and known safety and protective techniques, including the
1333 safety standards, recommendations, and codes of the National Fire Protection Association
1334 (Explosives Ordinance, National Fire Code), and the American Insurance Association, the
1335 successor to the National Board of Fire Underwriters. Based upon the investigation, the
1336 ~~Commissioner~~ commissioner is authorized to determine and by rule to provide what
1337 reasonable and practical protection must be afforded persons with respect to the
1338 manufacture, transportation, use, sale, and storage of explosives.

1339 (d) No person shall manufacture, transport, use, sell, or store explosives without having
1340 first obtained a license therefor issued by the ~~Commissioner~~ commissioner in accordance
1341 with reasonable rules established by him. The ~~Commissioner~~ commissioner is authorized
1342 to make reasonable rules providing for the issuance of such licenses on an annual basis to
1343 those applicants who have observed and may be expected to observe safety rules lawfully
1344 made under this Code section. Graded fees for such licenses shall be as provided in Code
1345 Section 25-2-4.1. The permits for the use only of explosives may be issued by judges of
1346 the probate courts or other local elected officials whom the ~~Commissioner~~ commissioner
1347 may designate. Fees for such permits to use explosives shall be \$2.00 for each permit
1348 issued, which fee shall be retained by the issuing local official.

1349 (e) Every person licensed under this Code section who suffers a larceny or attempted
1350 larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof
1351 to local law enforcement agencies and to the state fire marshal, in accordance with rules
1352 made by the ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner is authorized
1353 to make such rules.

1354 25-2-18.

1355 All federal, state, county, or city publicly owned buildings covered by this chapter are
 1356 exempt from any fee or license which may be specified in this chapter. Such fees or
 1357 licenses may be waived where chargeable to churches and charitable organizations.

1358 25-2-19.

1359 The ~~Commissioner~~ commissioner shall promulgate reasonable rules and regulations
 1360 governing and regulating fire hazards in hotels, apartment houses, department stores,
 1361 warehouses, storage places, and places of public assembly.

1362 25-2-20.

1363 All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention
 1364 regulatory license from the state fire marshal based upon compliance with this chapter, as
 1365 set forth in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The
 1366 fee for the license shall be \$150.00 for each calendar year or part thereof, payable to the
 1367 state fire marshal, who shall pay the same into the state treasury.

1368 25-2-21.

1369 Reserved.

1370 25-2-22.

1371 (a) The ~~Commissioner~~ commissioner and the various officials delegated by him or her to
 1372 carry out this chapter shall have the authority at all times of the day and night to enter in
 1373 or upon and to examine any building or premises where a fire is in progress or has
 1374 occurred, as well as other buildings or premises adjacent to or near the same. The
 1375 ~~Commissioner~~ commissioner and his or her delegated authorities shall have the right to
 1376 enter in and upon all buildings and premises subject to this chapter, at any reasonable time,
 1377 for the purpose of examination or inspection.

1378 (b) Upon complaint submitted in writing, the ~~Commissioner~~ commissioner and the various
 1379 officials to whom enforcement authority is delegated under this chapter may enter in or
 1380 upon any building or premises between the hours of sunrise and sunset for the purpose of
 1381 investigating the complaint. Upon the complaint of any person, the state fire marshal or
 1382 his or her deputized officials may inspect or cause to be inspected all buildings and
 1383 premises within their jurisdiction whenever ~~he or they~~ the state fire marshal or his or her
 1384 deputized officials deem it necessary.

1385 25-2-22.1.

1386 (a) The ~~Commissioner~~ commissioner, his or her delegate, or any other person authorized
1387 under this title to conduct inspections of property, in addition to other procedures now or
1388 hereafter provided, may obtain an inspection warrant under the conditions specified in this
1389 Code section. Such warrant shall authorize the ~~Commissioner~~ commissioner or his or her
1390 delegate or such authorized person to conduct a search or inspection of property either with
1391 or without the consent of the person whose property is to be searched or inspected if such
1392 search or inspection is one that is elsewhere authorized under this title or the rules and
1393 regulations duly promulgated hereunder.

1394 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or
1395 magistrate court upon proper oath or affirmation showing probable cause for the purpose
1396 of conducting inspections authorized by this title or rules promulgated under this title and
1397 for the seizure of property or the taking of samples appropriate to the inspection. For the
1398 purposes of issuance of inspection warrants, probable cause exists upon showing a valid
1399 public interest in the effective enforcement of this title or rules promulgated under this title
1400 sufficient to justify inspection of the area, premise, building, or conveyance in the
1401 circumstances specified in the application for the warrant.

1402 (c) A warrant shall be issued only upon affidavit of the ~~Commissioner~~ commissioner or
1403 his or her designee or any person authorized to conduct inspections pursuant to this title,
1404 sworn to before the judicial officer and establishing the grounds for issuing the warrant.
1405 The issuing judge may issue the warrant when he or she is satisfied that the following
1406 conditions are met:

1407 (1) The one seeking the warrant must establish under oath or affirmation that the
1408 property to be inspected is to be inspected as a part of a legally authorized program of
1409 inspection which includes that property or that there is probable cause for believing that
1410 there is a condition, object, activity, or circumstance which legally justifies such an
1411 inspection of that property; and

1412 (2) The issuing judge determines that the issuance of the warrant is authorized by this
1413 Code section.

1414 (d) The warrant shall:

1415 (1) State the grounds for its issuance and the name of each person whose affidavit has
1416 been taken in support thereof;

1417 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

1418 (3) Command the persons to whom it is directed to inspect the area, premise, building,
1419 or conveyance identified for the purpose specified and, if appropriate, direct the seizure
1420 of the property specified;

1421 (4) Identify the item or types of property to be seized, if any; and

1422 (5) Designate the judicial officer to whom it shall be returned.

1423 (e) A warrant issued pursuant to this Code section must be executed and returned within
 1424 ten days of its date of issuance unless, upon a showing of a need for additional time, the
 1425 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided
 1426 upon request to the person from whom or from whose premises the property is taken,
 1427 together with a receipt for the property taken. The return of the warrant shall be made
 1428 promptly, accompanied by a written inventory of any property taken. A copy of the
 1429 inventory shall be delivered upon request to the person from whom or from whose
 1430 premises the property was taken and to the applicant for the warrant.

1431 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return
 1432 and all papers returnable in connection therewith and file them with the clerk of the
 1433 superior court for the county in which the inspection was made.

1434 25-2-23.

1435 When ~~any of the officers listed~~ the commissioner or his or her delegated authorities as
 1436 provided for in Code Section 25-2-22 finds any building or other structure which, for want
 1437 of repair or by reason of age or dilapidated condition or any other cause is especially liable
 1438 to fire hazard or which is so situated as to endanger other property or the safety of the
 1439 public, or when, in or around any building, ~~such officer~~ the commissioner or his or her
 1440 delegated authorities finds combustible or explosive matter, inflammables, or other
 1441 conditions dangerous to the safety of the building, notice may be given to the owner or
 1442 agent and occupant of the building to correct such unsafe conditions as may be found.

1443 25-2-24.

1444 If any owner, agent, or occupant fails to comply with the notice prescribed in Code
 1445 Section 25-2-23 within the time specified in the notice, the state fire marshal or his or her
 1446 delegated officials, with the approval of the ~~Commissioner~~ commissioner, may petition the
 1447 court for a rule nisi to show cause why an order should not be issued by the court that the
 1448 same be removed or remedied. Such court order shall forthwith be complied with by the
 1449 owner or occupant of the premises or building within such time as may be fixed in the court
 1450 order.

1451 25-2-25.

1452 If any person fails to comply with the order of the court made pursuant to Code
 1453 Section 25-2-24 within the time fixed, the city or county in which the building or premises
 1454 in question are located shall cause the building or premises to be forthwith repaired, torn
 1455 down, or demolished, the hazardous materials removed, or the dangerous conditions

1456 remedied, as the case may be, at the expense of the city or county in which the property is
1457 situated. If the owner thereof, within 30 days after notice in writing of the amount of such
1458 expense, fails, neglects, or refuses to repay the city or county the expense thereby incurred,
1459 the local authorities shall issue a fi. fa. against the owner of the property for the expense
1460 actually incurred.

1461 25-2-26.

1462 Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for
1463 ordering the carrying out and enforcement of such Code sections shall be by order of the
1464 court and not by the ~~Commissioner~~ commissioner or his or her delegated authority
1465 authorities.

1466 25-2-27.

1467 The state fire marshal or his or her deputy, when in his or her opinion such proceedings are
1468 necessary, shall take the testimony on oath of all persons believed to be cognizant of or to
1469 have information or knowledge in relation to suspected arson and shall cause the testimony
1470 to be reduced to writing. If he or she is of the opinion that there is evidence sufficient to
1471 charge any person with the crime of arson, he or she shall cause such person to be arrested
1472 in accordance with the law. He or she shall also furnish the district attorney of the circuit
1473 in which the fire occurred with all the information obtained by him or her in his or her
1474 investigation. The district attorney shall thereupon proceed according to law.

1475 25-2-28.

1476 (a) The state fire marshal or the deputy state fire marshal shall have the power to summon
1477 and compel the attendance of witnesses before either or both of them, in any county in
1478 which the witness resides, to testify in relation to any matter which is designated by Code
1479 Section 25-2-27 as a subject of inquiry and to issue subpoenas to compel the production
1480 of all books, records, documents, and papers pertaining to such subject of inquiry. The
1481 state fire marshal and deputy state fire marshal may also administer oaths and affirmations
1482 to persons appearing as witnesses before them. Any person summoned shall have the right
1483 of counsel at the hearing if he or she desires.

1484 (b) Should any person fail to comply with this Code section, the state fire marshal or his
1485 or her agent is authorized to procure an order from the superior court of the county in
1486 which the proposed witness resides, requiring compliance under the law.

1487 25-2-29.

1488 All hearings held by or under the direction of the ~~Commissioner~~ commissioner shall be
 1489 conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 1490 Procedure Act,' and the ~~Commissioner~~ commissioner may also satisfy the procedure for
 1491 conduct of hearings on contested cases and rule making required under said chapter by
 1492 following and complying with Chapter 2 of Title 33.

1493 25-2-30.

1494 It shall be the duty of the state fire marshal to contact individuals, associations, and state
 1495 agencies, both within and outside this state, which have a direct interest in the
 1496 fundamentals of fire prevention and life safety, for the purpose of promoting the objectives
 1497 of this chapter.

1498 25-2-31.

1499 (a) The state fire marshal may promote any plan or program which tends to disseminate
 1500 information on fire prevention and similar projects and may aid any association or group
 1501 of individuals which is primarily organized along such lines.

1502 (b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire
 1503 prevention education in the schools of this state and to establish fire drills therein. All local
 1504 school authorities are required to cooperate with the state fire marshal in carrying out
 1505 programs designed to protect the lives of school children from fire and related hazards.

1506 25-2-32.

1507 (a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire
 1508 losses, together with statistical data concerning the same. The various fire insurance
 1509 companies doing business in this state shall submit to the ~~Commissioner~~ commissioner,
 1510 quarterly, a report stating all the losses sustained by them, together with such pertinent data
 1511 as may be required by the ~~Commissioner~~ commissioner.

1512 (b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall
 1513 be reported to the ~~office of Safety Fire Commissioner~~ department. Every fire ~~department~~
 1514 agency provided for in Chapter 3 of this title shall submit incident data either via a uniform
 1515 electronic reporting method or on a uniform reporting form prescribed by the
 1516 ~~Commissioner~~ commissioner and at intervals established by the ~~Commissioner~~
 1517 commissioner.

1518 25-2-32.1.

1519 Every case of a burn injury or wound where the victim sustained second-degree or
1520 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory
1521 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn
1522 injury or wound which is likely to or may result in death, shall be reported at once to the
1523 ~~Safety Fire Division of the office of the Commissioner of Insurance~~ department. The
1524 ~~Safety Fire Division~~ commissioner shall accept the report and notify the proper
1525 investigatory agency as may be appropriate. A written report shall be provided to the
1526 ~~Safety Fire Division~~ commissioner within 72 hours. The report shall be made by the
1527 physician attending or treating the case or by the manager, superintendent, or other person
1528 in charge whenever such case is treated in a hospital sanitarium, institution, or other
1529 medical facility.

1530 25-2-32.2.

1531 Every county or municipal governing authority or any two or more governing authorities
1532 or the ~~Safety Fire Division~~ department are authorized and empowered to take such action
1533 as may be required to formulate task forces, teams, or fire or police investigative units to
1534 investigate any case of a burn injury or wound sustained as reported pursuant to Code
1535 Section 25-2-32.1, to ascertain the cause of fires or explosions of suspicious origin within
1536 the county or municipalities, to pursue necessary investigation thereof, and to assist in the
1537 preparation and prosecution of cases stemming from any alleged criminal activity attendant
1538 to such fires or explosions.

1539 25-2-33.

1540 (a) The state fire marshal, any deputy designated by the state fire marshal, the director of
1541 the Georgia Bureau of Investigation or the chief of a fire department of any municipal
1542 corporation or county where a fire department is established may request any insurance
1543 company investigating a fire loss of real or personal property to release any information in
1544 its possession relative to that loss. The company shall release the information to and
1545 cooperate with any official authorized to request such information pursuant to this Code
1546 section. The information to be released shall include, but is not limited to:

- 1547 (1) Any insurance policy relevant to the fire loss under investigation and any application
1548 for such a policy;
- 1549 (2) Policy premium payment records on the policy, to the extent available;
- 1550 (3) Any history of previous claims made by the insured for fire loss with the reporting
1551 carrier; and

1552 (4) Material relating to the investigation of the loss, including statements of any person,
1553 proof of loss, and any other relevant evidence.

1554 (b) If an insurance company has reason to suspect that a fire loss to its insured's real or
1555 personal property was caused by incendiary means, the company shall notify the state fire
1556 marshal and furnish him or her with all relevant material acquired by the company during
1557 its investigation of the fire loss. The insurer shall also cooperate with and take such action
1558 as may be requested of it by the state fire marshal's office or by any law enforcement
1559 agency of competent jurisdiction. The company shall also permit any person to inspect its
1560 records pertaining to the policy and to the loss if the person is authorized to do so by law
1561 or by an appropriate order of a superior court of competent jurisdiction.

1562 (c) In the absence of fraud or malice, no insurance company or person who furnishes
1563 information on its behalf shall be liable for damages in a civil action or subject to criminal
1564 prosecution for any oral or written statement made or any other action taken which is
1565 necessary to supply information required pursuant to this Code section.

1566 (d) The officials and departmental and agency personnel receiving any information
1567 furnished pursuant to this Code section shall hold the information in confidence until such
1568 time as its release is required pursuant to a criminal or civil proceeding, provided that
1569 nothing contained in this Code section shall be deemed to prohibit representatives of the
1570 state fire marshal's office or other authorized law enforcement officials from discussing
1571 such matters with other agency or departmental personnel or with other law enforcement
1572 officials or from releasing or disclosing any such information during the conduct of their
1573 investigation, if the release or disclosure is necessary to enable them to conduct their
1574 investigation in an orderly and efficient manner; provided, further, that nothing contained
1575 in this Code section shall prohibit an insurance company which furnishes information to
1576 an authorized agency or agencies pursuant to this Code section from having the right to
1577 request relevant information and receive, within a reasonable time not to exceed 30 days,
1578 the information requested.

1579 (e) Any official referred to in subsection (a) of this Code section may be required to testify
1580 as to any information in his or her possession regarding the fire loss of real or personal
1581 property in any civil action against an insurance company for the fire loss in which any
1582 person seeks recovery under a policy.

1583 (f)(1) No person shall purposely refuse to release any information requested pursuant to
1584 subsection (a) of this Code section.

1585 (2) No person shall purposely refuse to notify the state fire marshal of a fire loss required
1586 to be reported pursuant to subsection (b) of this Code section.

1587 (3) No person shall purposely refuse to supply the state fire marshal with pertinent
1588 information required to be furnished pursuant to subsection (b) of this Code section.

1589 (4) No person shall purposely fail to hold in confidence information required to be held
1590 in confidence by subsection (d) of this Code section.

1591 (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

1592 25-2-33.1.

1593 (a) The fire department of each county and municipality and any other organized fire
1594 department operating within this state shall report every incident or suspected incident of
1595 arson to the local law enforcement agency, the state fire marshal, and every insurance
1596 company with a known pecuniary interest in the cause of the fire in which arson is involved
1597 or suspected to be involved. In any local jurisdiction where an organized fire department
1598 is not operating, the local law enforcement agency investigating a fire shall make the
1599 reports required by this Code section. Such reports shall be made on forms provided for
1600 that purpose by the state fire marshal.

1601 (b) Any insurance company which has received a report of an incident or suspected
1602 incident of arson under subsection (a) of this Code section shall not pay any claim relating
1603 thereto prior to notifying in writing the state fire marshal and local fire department of the
1604 date the claim is to be paid.

1605 25-2-34.

1606 The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of
1607 Investigation shall cooperate with the ~~Commissioner~~ commissioner and his or her deputies
1608 and inspectors whenever called upon by him or her or them in enforcing this chapter. They
1609 shall make available to the ~~Commissioner~~ commissioner or his or her deputies and
1610 inspectors such facilities as lie detectors, broadcasting facilities, and other aid and devices
1611 as requested.

1612 25-2-35.

1613 The ~~Commissioner~~ commissioner is authorized to pay sheriffs and other peace officers
1614 reasonable fees for assistance given in assembling evidence as to the causes or criminal
1615 origin of fires and in apprehending persons guilty of arson.

1616 25-2-36.

1617 In addition to the civil monetary penalty provided for in Code Section 25-2-37, the
1618 ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of any provision
1619 of this chapter or any rule, regulation, or order issued by the ~~Commissioner~~ commissioner
1620 under this chapter. In particular, but not by way of limitation upon the authority granted
1621 in this Code section, the ~~Commissioner~~ commissioner may bring an action to enjoin any

1622 construction found to be in contravention of Code Section 25-2-13 or 25-2-14 or to obtain
1623 an order of court directing the immediate evacuation and the secure closure of any structure
1624 which, by reason of violation of any provision of this chapter or of any rule, regulation, or
1625 order issued by the ~~Commissioner~~ commissioner under this chapter, is found to pose an
1626 immediate threat to the property, health, or lives of the occupants of the structure. In order
1627 to avail himself or herself of the remedies provided for in this Code section, it shall not be
1628 necessary for the ~~Commissioner~~ commissioner to allege or to prove the absence of an
1629 adequate remedy at law.

1630 25-2-37.

1631 (a) It shall be unlawful for any person to lock an exit door whether or not it is a required
1632 exit unless such provisions are allowed by this chapter or by any rule, regulation, or order
1633 issued by the ~~Commissioner~~ commissioner under this chapter.

1634 (b) It shall be unlawful for any person to begin construction on any proposed building or
1635 structure which comes under the classification in paragraph (1) of subsection (b) of Code
1636 Section 25-2-13 and which comes under the jurisdiction of the ~~office of the Commissioner~~
1637 ~~of Insurance~~ department pursuant to Code Section 25-2-12 without first having plans
1638 approved in accordance with Code Section 25-2-14.

1639 (c) Any person who violates this chapter or any rule, regulation, or order issued by the
1640 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty imposed
1641 by the ~~Commissioner~~ commissioner in accordance with the rules and regulations
1642 promulgated by the ~~Commissioner~~ commissioner.

1643 (d) Any person who violates this chapter or any rule, regulation, or order issued by the
1644 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty not to
1645 exceed \$1,000.00 for each day that the violation persists after such person is notified of the
1646 ~~Commissioner's~~ commissioner's intent to impose such penalty and of the right to a hearing
1647 with respect to same.

1648 (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to
1649 a fine of not more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more
1650 than \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than
1651 \$5,000.00 for a third or subsequent offense.

1652 25-2-38.

1653 Any person, firm, or corporation violating this chapter or failing or refusing to comply with
1654 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

1655 25-2-38.1.

1656 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign
1657 immunity of the state, or any officer or employee thereof, in carrying out the provisions of
1658 this chapter. No action shall be maintained against the state; or any municipality; or
1659 county, or any officer, elected officer, or employees thereof, for damages sustained as a
1660 result of any fire or related hazard covered in this chapter by reason of any inspection or
1661 other action taken or not taken pursuant to this chapter.

1662 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee
1663 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,
1664 or use of such property.

1665 25-2-39.

1666 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,
1667 is remedial in nature, and shall be construed liberally.

1668 25-2-40.

1669 (a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after
1670 July 1, 1987, every new dwelling and every new dwelling unit within an apartment,
1671 house, condominium, and townhouse and every motel, hotel, and dormitory shall be
1672 provided with an approved listed smoke detector installed in accordance with the
1673 manufacturer's recommendations and listing.

1674 (2) On and after July 1, 1994, every dwelling and every dwelling unit within an
1675 apartment, house, condominium, and townhouse and every motel, hotel, and dormitory
1676 which was constructed prior to July 1, 1987, shall have installed an approved battery
1677 operated smoke detector which shall be maintained in good working order unless any
1678 such building is otherwise required to have a smoke detector system pursuant to Code
1679 Section 25-2-13.

1680 (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall
1681 be provided with no less than an approved listed battery operated single station smoke
1682 detector installed in accordance with their listing. Such detectors shall be maintained in
1683 good working order by the operator of such nursing home. This paragraph shall not apply
1684 to nursing homes equipped with automatic sprinkler systems.

1685 (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code
1686 section, a smoke detector shall be mounted on the ceiling or wall at a point centrally
1687 located in the corridor or area giving access to each group of rooms used for sleeping
1688 purposes. Where the dwelling or dwelling unit contains more than one story, detectors are
1689 required on each story including cellars and basements, but not including uninhabitable

1690 attics; provided, however, that hotels and motels which are protected throughout by an
1691 approved supervised automatic sprinkler system installed in accordance with the rules and
1692 regulations of the ~~Commissioner~~ commissioner shall be exempt from the requirement to
1693 install smoke detectors in interior corridors but shall be subject to all other applicable
1694 requirements imposed under Code Section 25-2-13.

1695 (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection
1696 (a) of this Code section with split levels, a smoke detector need be installed only on the
1697 upper level, provided that the lower level is less than one full story below the upper level,
1698 except that if there is a door between levels then a detector is required on each level. Such
1699 detectors shall be connected to a sounding device or other detector to provide an alarm
1700 which will be audible in the sleeping areas.

1701 (d) Detectors shall be listed and meet the installation requirements of NFPA 72. In
1702 addition, a one and one-half hour emergency power supply source is required on all
1703 detection systems required by this chapter and permitted after April 1, 1992, except where
1704 battery operated smoke detectors are allowed.

1705 (e) Any complete automatic fire alarm system using automatic smoke detectors shall be
1706 installed in accordance with NFPA 72.

1707 (f)(1) The provisions of this Code section may be enforced by local building and fire
1708 code officials in the case of residential buildings which are not covered by Code Section
1709 25-2-13; provided, however, that this Code section shall not establish a special duty on
1710 said officials to inspect such residential facilities for compliance with this Code section;
1711 and provided, further, that inspections shall not be conducted for the purpose of
1712 determining compliance with this Code section absent reasonable cause to suspect other
1713 building or fire code violations. The jurisdiction enforcing this Code section shall retain
1714 any fines collected pursuant to this subsection.

1715 (2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit,
1716 or other facility, other than a nursing home, listed in subsection (a) of this Code section
1717 in good working order as required in this Code section shall be subject to a maximum fine
1718 of \$25.00, provided that a warning shall be issued for a first violation.

1719 (3) Any operator of a nursing home who fails to install and maintain the smoke detectors
1720 required under paragraph (3) of subsection (a) of this Code section shall be sanctioned
1721 in accordance with Code Section 31-2-8.

1722 (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling
1723 unit, or other facility listed in subsection (a) of this Code section in violation of this Code
1724 section shall not be considered evidence of negligence, shall not be considered by the court
1725 on any question of liability of any person, corporation, or insurer, shall not be any basis for
1726 cancellation of coverage or increase in insurance rates, and shall not diminish any recovery

1727 for damages arising out of the ownership, maintenance, or occupancy of such dwelling,
1728 dwelling unit, or other facility listed in subsection (a) of this Code section.

1729 (h) ~~The Safety Fire Commissioner~~ commissioner is authorized and encouraged to inform
1730 the public through public service announcements of the availability of a limited number of
1731 battery operated smoke detectors which may be obtained by persons in need without charge
1732 from the office of ~~Safety Fire Commissioner~~ the commissioner or local fire departments."

1733 25-2-41.

1734 (a) The Fire Safety Advisory Board is established. The board shall be composed of 17
1735 members, who shall be appointed as follows:

1736 (1) Four members shall be appointed by the Governor;

1737 (2) Two members shall be appointed by the Speaker of the House of Representatives;

1738 (3) Two members shall be appointed by the Lieutenant Governor;

1739 (4) One member shall be the Commissioner of Insurance or his or her designee;

1740 (5) One member shall be the president of the Georgia Association of Fire Chiefs, ex
1741 officio;

1742 (6) One member shall be the president of the Georgia State Firefighters' Association, ex
1743 officio;

1744 (7) The commissioner shall appoint one member who shall be a member of the Georgia
1745 Municipal Association;

1746 (8) The commissioner shall appoint one member who shall be a member of the
1747 Association County Commissioners of Georgia;

1748 (9) The commissioner shall appoint one member who shall be a representative of the
1749 Insurance Services Office;

1750 (10) The commissioner shall appoint one member from the Georgia propane gas
1751 industry;

1752 (11) The commissioner shall appoint one member who shall be a member of the Georgia
1753 Oilmen's Association; and

1754 (12) The commissioner shall appoint one member from the manufactured home industry.
1755 All members shall serve until their successors are appointed and qualified.

1756 (b) At the first regular meeting of the board held in each even-numbered year, the board
1757 shall elect a chairperson and such other officers from its own membership as it deems
1758 necessary to serve until successors are elected by the board as provided in this subsection.

1759 (c) The board shall provide advice to the commissioner on all matters before the
1760 department.

1761 (d) Each member of the board, in carrying out his or her official duties, shall be entitled
1762 to receive the same expense and mileage allowance authorized for members of professional

1763 licensing boards pursuant to subsection (f) of Code Section 43-1-2. The funds for such
 1764 expenses and allowances shall be paid from funds appropriated or available to the
 1765 department.

1766 25-2-42.

1767 The department shall succeed to all rules, regulations, policies, procedures, and pending
 1768 and finalized administrative orders of the Safety Fire Division of the office of the
 1769 Commissioner of Insurance applicable to the duties of the department which are in effect
 1770 on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall remain in
 1771 effect until amended, repealed, superseded, or nullified by the department.

1772 25-2-43.

1773 All valid agreements, licenses, permits, certificates, and similar authorizations previously
 1774 issued by the Commissioner of Insurance, the state fire marshal, or any division,
 1775 department, or agency with respect to any function transferred to the department as
 1776 provided in this chapter shall continue in effect until the same expire by their terms unless
 1777 they are suspended, revoked, or otherwise made ineffective as provided by law.

1778 25-2-44.

1779 Effective July 1, 2019, the department shall carry out all of the functions and obligations
 1780 and exercise all of the powers provided in this chapter which were formerly held by the
 1781 Safety Fire Division of the office of the Commissioner of Insurance. All persons employed
 1782 by and positions authorized for the Department of Insurance relating to functions provided
 1783 for in this chapter previously performed by the Safety Fire Division shall, on July 1, 2019,
 1784 be transferred to the department, specifically those persons employed in the hazardous
 1785 materials program, the manufactured housing program, and the arson investigation program
 1786 who are funded through the fire administration program budget of the Safety Fire Division
 1787 of the office of the Commissioner of Insurance. All office equipment, furniture, and other
 1788 assets and real property in possession of the Department of Insurance which are used or
 1789 held exclusively or principally by personnel transferred under this chapter shall be
 1790 transferred to the department on July 1, 2019."

1791 **SECTION 5-2.**

1792 Said title is further amended by revising Article 2 of Chapter 3, relating to minimum
 1793 requirements for local fire departments generally, as follows:

"ARTICLE 2

1794

1795 25-3-20.

1796 It is the intention of the General Assembly of Georgia to establish minimum requirements
 1797 for all fire departments operating in this state. The General Assembly recognizes that fire
 1798 departments operating in this state cannot function effectively and efficiently as full-time
 1799 fire departments without meeting or exceeding the minimum requirements established by
 1800 this article.

1801 25-3-21.

1802 As used in this article, the term:

1803 (1) ~~'Executive director' means the executive director of the Georgia Firefighter Standards~~
 1804 ~~and Training Council~~ 'Commissioner' means the commissioner of fire safety.

1805 (2)(A) 'Fire department' means any fire department which is authorized to exercise the
 1806 general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

1807 (B) 'Fire department' also means any department, agency, organization, or company
 1808 operating in this state with the intent and purpose of carrying out the duties, functions,
 1809 powers, and responsibilities normally associated with a fire department. These duties,
 1810 functions, powers, and responsibilities include but are not limited to the protection of
 1811 life and property against fire, explosions, or other hazards.

1812 (3) 'Firefighter' means any able-bodied person at least 18 years of age who has been duly
 1813 appointed by a legally constituted fire department and who has the responsibility of
 1814 preventing and suppressing fires, protecting life and property, and performing other
 1815 duties enumerated in Code Sections 25-3-1 and 25-3-2.

1816 25-3-22.

1817 In order for a fire department to be legally organized to operate in the State of Georgia, the
 1818 chief administrative officer of the fire department shall notify and submit all required
 1819 documentation to the ~~executive director~~ commissioner that demonstrates that the
 1820 organization meets the minimum requirements specified in Code Section 25-3-23 and the
 1821 rules and regulations of the ~~Georgia Firefighter Standards and Training Council~~
 1822 Department of Fire Safety to function as a fire department. If the ~~executive director~~
 1823 commissioner is satisfied that the fire department meets the minimum requirements
 1824 contained in Code Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter~~
 1825 ~~Standards and Training Council~~, ~~he or she shall recommend to the Georgia Firefighter~~
 1826 ~~Standards and Training Council that a~~ Department of Fire Safety, ~~then a~~ certificate of
 1827 compliance shall be issued by the ~~council~~ Department of Fire Safety to the fire department.

1828 If the ~~council~~ Department of Fire Safety issues such certificate of compliance, the fire
 1829 department shall be authorized to exercise the general and emergency powers set forth in
 1830 Code Sections 25-3-1 and 25-3-2.

1831 25-3-23.

1832 (a) Except as otherwise provided in subsection (c) of this Code section, in order to be
 1833 legally organized:

1834 (1) A fire department shall comply with the following requirements:

1835 (A) Be established to provide fire and other emergency and nonemergency services in
 1836 accordance with standards specified solely by the ~~Georgia Firefighter Standards and~~
 1837 ~~Training Council~~ Department of Fire Safety and the applicable local government;

1838 (B) Be capable of providing fire protection 24 hours a day, 365 days per year;

1839 (C) Be responsible for a defined area of operations depicted on a map located at the fire
 1840 station, which area of operations shall have been approved and designated by the
 1841 governing authority of the applicable county, municipality, or other political
 1842 subdivision in the case of any county, municipal, or volunteer fire department; and

1843 (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters
 1844 who have successfully completed basic firefighter training as specified by the ~~Georgia~~
 1845 ~~Firefighter Standards and Training Council~~ Department of Fire Safety; and

1846 (2) A fire department shall possess the following items of approved equipment and
 1847 protective clothing:

1848 (A) A minimum of one fully equipped, operable pumper with a capacity of at least 750
 1849 GPM at 150 PSI and a tank capacity of a minimum of 250 gallons; provided, however,
 1850 that previously approved fire apparatus which does not meet such minimum standards
 1851 may be used in lieu of the minimum required pumper until replaced by the local
 1852 authority;

1853 (B) A minimum of equipment, appliances, adapters, and accessories necessary to
 1854 perform and carry out the duties and responsibilities of a fire department set forth in
 1855 Code Sections 25-3-1 and 25-3-2 as approved by the ~~Georgia Firefighter Standards and~~
 1856 ~~Training Council~~ Department of Fire Safety;

1857 (C) A minimum of two approved self-contained breathing apparatus for each pumping
 1858 apparatus as approved by the ~~Georgia Firefighter Standards and Training Council~~
 1859 Department of Fire Safety; and

1860 (D) A minimum issue of sufficient personal protective clothing to permit each member
 1861 to perform safely the duties of a firefighter.

1862 (b)(1) A legally organized fire department shall provide and maintain sufficient
 1863 insurance coverage on each member of the fire department to pay claims for injuries

1864 sustained en route to, during, and returning from fire calls or other emergencies and
 1865 disasters and scheduled training sessions.

1866 (2)(A) As used in this paragraph, the term:

1867 (i) 'Cancer' means bladder, blood, brain, breast, cervical, esophageal, intestinal,
 1868 kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and
 1869 thyroid cancer; leukemia; multiple myeloma; or non-Hodgkin's lymphoma.

1870 (ii) 'Firefighter' means a firefighter as defined in Code Section 25-4-2.

1871 (iii) 'Volunteer' means a volunteer as defined in Code Section 25-4-2.

1872 (B) On and after January 1, 2018, a legally organized fire department shall provide and
 1873 maintain sufficient insurance coverage on each member of the fire department who is
 1874 a firefighter to pay claims for cancer diagnosed after having served 12 consecutive
 1875 months as a firefighter with such fire department. Such insurance benefits shall include
 1876 at minimum the following:

1877 (i)(I) A lump sum benefit of \$25,000.00 subject to limitations specified in the
 1878 insurance contract and based on severity of cancer and payable to such firefighter
 1879 upon submission to the insurance carrier or other payor of acceptable proof of
 1880 diagnosis by a physician board certified in the medical specialty appropriate for the
 1881 type of cancer involved that there are one or more malignant tumors characterized
 1882 by the uncontrollable and abnormal growth and spread of malignant cells with
 1883 invasion of normal tissue and that:

1884 (a) Surgery, radiotherapy, or chemotherapy is medically necessary;

1885 (b) There is metastasis; or

1886 (c) The firefighter has terminal cancer, is expected to die within 24 months or less
 1887 from the date of diagnosis, and will not benefit from, or has exhausted, curative
 1888 therapy; or

1889 (II) A lump sum benefit of \$6,250.00 subject to limitations specified in the
 1890 insurance contract and based on severity of cancer and payable to such firefighter
 1891 upon submission to the insurance carrier or other payor of acceptable proof of
 1892 diagnosis by a physician board certified in the medical specialty appropriate for the
 1893 type of cancer involved that:

1894 (a) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy
 1895 has been determined to be medically necessary;:

1896 (b) There are malignant tumors which are treated by endoscopic procedures
 1897 alone;

1898 (c) There are malignant melanomas; or

1899 (d) There is a tumor of the prostate, provided that it is treated with radical
 1900 prostatectomy or external beam therapy; and

1901 (ii) Payable as a result of a specific injury or illness to begin six months after
 1902 disability and submission to the insurance carrier or other payor of acceptable proof
 1903 of disability precluding service as a firefighter and continuing for up to 36
 1904 consecutive monthly payments:

1905 (I) A monthly benefit equal to 60 percent of the member's monthly salary as an
 1906 employed firefighter with the fire department or a monthly benefit of \$5,000.00,
 1907 whichever is less; or

1908 (II) If the member is a volunteer, a monthly benefit of \$1,500.00.

1909 The benefit under subdivision (I) or (II) of this division, as applicable, shall be
 1910 subordinate to any other benefit actually paid to the firefighter for such disability from
 1911 any other source, not including insurance purchased solely by the firefighter, and shall
 1912 be limited to the difference between the amount of such other paid benefit and the
 1913 amount specified under subdivision (I) or (II) of this division, as applicable.

1914 (C) The combined total of all benefits received by any firefighter under
 1915 subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not
 1916 exceed \$50,000.00.

1917 (D) With the exception of the benefit under subdivision (B)(ii)(I) of this paragraph, any
 1918 person who was simultaneously a member of more than one fire department at the time
 1919 of diagnosis shall not be entitled to receive benefits under this paragraph from or on
 1920 behalf of more than one of such fire departments. In the event a volunteer of one fire
 1921 department is simultaneously employed by another fire department, the fire department
 1922 for which such person is a volunteer shall not be required to maintain the coverage on
 1923 such volunteer otherwise required under this subsection during the period of such
 1924 employment. Any member who receives benefits under division (ii) of subparagraph
 1925 (B) of this paragraph may be required to have his or her condition reevaluated; in the
 1926 event any such reevaluation reveals that such person has regained the ability to perform
 1927 duties as a firefighter, then his or her benefits under division (ii) of subparagraph (B)
 1928 of this paragraph shall cease. Benefits under said division shall also cease upon the
 1929 death of such person. A member who, after at least one year as a firefighter, departs
 1930 from employment, ceases to be an active volunteer, or retires shall be entitled to
 1931 continue his or her coverages under this paragraph through a continuation or conversion
 1932 to individual coverage. The departing member shall be responsible for payment of all
 1933 premiums.

1934 (E) In addition to any other purpose authorized under Chapter 8 of Title 33, county
 1935 governing authorities and municipal governing authorities may use proceeds from
 1936 county and municipal taxes imposed under said chapter for purposes of providing
 1937 insurance pursuant to this paragraph.

1938 (F) Funds received as premiums for the coverages specified in this paragraph shall not
1939 be subject to premium taxes under Chapter 8 of Title 33.

1940 (G) The computation of premium amounts by an insurer for the coverages under this
1941 paragraph shall be subject to generally accepted adjustments from insurance
1942 underwriting.

1943 (c) ~~The Georgia Firefighter Standards and Training Council~~ Department of Fire Safety
1944 shall be authorized to adopt such rules and regulations as are reasonable and necessary to
1945 implement the provisions of this Code section and to establish and modify minimum
1946 requirements for all fire departments operating in this state, provided that such
1947 requirements are equal to or exceed the requirements provided in subsections (a) and (b)
1948 of this Code section.

1949 25-3-24.

1950 ~~The executive director may consult with and consider the recommendations of the director~~
1951 ~~of the State Forestry Commission, the director of the Georgia Fire Academy, the state fire~~
1952 ~~marshal, and the governing authority of any county or municipality in which the fire~~
1953 ~~department is located to determine if individual fire departments are complying with the~~
1954 ~~minimum provisions of this article and serving the best interests of the citizens of the area~~
1955 ~~of its operations~~ Reserved.

1956 25-3-25.

1957 (a) The certificate of compliance issued by the ~~council~~ Department of Fire Safety shall be
1958 subject to suspension or revocation by the ~~council~~ commissioner at any time ~~it~~ he or she
1959 receives satisfactory evidence that the fire department is not maintaining sufficient
1960 personnel, equipment, or insurance required by Code Section 25-3-23 or the rules and
1961 regulations of the ~~Georgia Firefighter Standards and Training Council~~ Department of Fire
1962 Safety.

1963 (b) The chief administrative officer of any fire department aggrieved by a decision of the
1964 ~~council~~ commissioner under subsection (a) of this Code section may, within 30 days of the
1965 date of such decision, request a hearing on the matter before the ~~council~~ commissioner or
1966 his or her designee. Following a hearing before the ~~council~~ commissioner or his or her
1967 designee, the chief administrative officer of the fire department affected shall be served
1968 with a written decision of the ~~council~~ commissioner announcing whether the certificate of
1969 compliance shall remain revoked or suspended or whether it shall be reinstated. The
1970 decision of the commissioner may, within 30 days, be appealed to the superior court of the
1971 county in which the fire department is located. The review by the superior court shall be
1972 limited to the existing record, including previously admitted documents, testimony, and

1973 other evidence. During the appeal process set forth in this Code section, the
 1974 commissioner's decision to suspend or revoke a certification shall be stayed.

1975 (c) ~~The council~~ commissioner shall not suspend or revoke any certificate of compliance
 1976 for failure to meet firefighter training requirements when such failure was due to
 1977 unavailability of required training from or through the ~~Georgia Fire Academy~~ Department
 1978 of Fire Safety.

1979 (d) ~~The council~~ commissioner may refer suspensions or revocations to the Attorney
 1980 General for enforcement. Upon referral from the ~~council~~ commissioner, the Attorney
 1981 General may bring a civil action to enjoin any organization which is not in compliance with
 1982 the applicable requirements of this chapter from performing any or all firefighting
 1983 functions until such requirements are met by such organization.

1984 25-3-26.

1985 ~~The executive director shall cooperate with newly formed and existing fire departments to~~
 1986 ~~ensure that all fire departments in this state are in compliance with the provisions of this~~
 1987 ~~article by July 1, 1986.~~

1988 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 1989 procedures, and pending and finalized administrative orders of the Georgia Firefighter
 1990 Standards and Training Council under this chapter which are in effect on June 30, 2019.
 1991 Such rules, regulations, policies, procedures, and orders shall remain in effect until
 1992 amended, repealed, superseded, or nullified by the commissioner.

1993 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 1994 previously issued by the Georgia Firefighter Standards and Training Council with respect
 1995 to any function transferred to the Department of Fire Safety shall continue in effect until
 1996 the same expire by their terms unless they are suspended, revoked, or otherwise made
 1997 ineffective as provided by law.

1998 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 1999 and obligations and exercise all of the powers formerly held by the Georgia Firefighter
 2000 Standards and Training Council under this chapter.

2001 25-3-27.

2002 ~~This article shall not be construed to amend, modify, or repeal any of the provisions of~~
 2003 ~~Chapter 4 of this title, known as the 'Georgia Firefighter Standards and Training Act,' nor~~
 2004 ~~shall this article be construed to restrict the requirements of any other provisions relating~~
 2005 ~~to fire departments, equipment, or personnel."~~

2006 **SECTION 5-3.**

2007 Said title is further amended by revising Article 1 of Chapter 4, relating to general provisions
 2008 relative to firefighter standards and training, as follows:

2009 "ARTICLE 1

2010 25-4-1.

2011 This chapter shall be known and may be cited as the '~~Georgia Firefighter Standards and~~
 2012 ~~Training Act.~~' 'Georgia Fire Safety Professional Development Act.'

2013 25-4-2.

2014 As used in this chapter, the term:

2015 (1) 'Airport' means any airport located in this state which has regularly scheduled
 2016 commercial air carrier service or commuter airline service as required for certification
 2017 under Section 139.49 of the Federal Aviation Administration regulations.

2018 (2) 'Airport firefighter' means any person assigned to any airport located in this state who
 2019 performs the duties of aircraft fire fighting or rescue.

2020 (3) 'Candidate' means a prospective firefighter who has not yet been certified by the
 2021 ~~council~~ Department of Fire Safety as having met the requirements of this chapter.

2022 (4) 'Certified firefighter' or 'state certified firefighter' means any firefighter who has been
 2023 certified by the ~~council~~ Department of Fire Safety as having met the requirements of this
 2024 chapter.

2025 (5) 'Commissioner' '~~Council~~' means the ~~Georgia Firefighter Standards and Training~~
 2026 ~~Council~~ commissioner of fire safety.

2027 (6) 'Division' means the Professional Development Division of the Department of Fire
 2028 Safety.

2029 ~~(5.1)~~(7) 'Fire department' shall have the same meaning as provided in Code
 2030 Section 25-3-21.

2031 ~~(6)~~(8) 'Firefighter' means a recruit or a trained individual who is a full-time employee,
 2032 part-time employee, or volunteer for a municipal, county, state, or private incorporated
 2033 fire department and as such has duties of responding to mitigate a variety of emergency
 2034 and nonemergency situations where life, property, or the environment is at risk, which
 2035 may include, without limitation, fire suppression; fire prevention activities; emergency
 2036 medical services; hazardous materials response and preparedness; technical rescue
 2037 operations; search and rescue; disaster management and preparedness; community service
 2038 activities; response to civil disturbances and terrorism incidents; nonemergency functions,
 2039 including training, preplanning, communications, maintenance, and physical

2040 conditioning; and other related emergency and nonemergency duties as may be assigned
 2041 or required; provided, however, that a firefighter's assignments may vary based on
 2042 geographic, climatic, and demographic conditions or other factors, including training,
 2043 experience, and ability.

2044 ~~(7)~~(9) 'Full-time' means employed for compensation on a basis of at least 40 hours per
 2045 week by any municipal, county, state, or private incorporated fire department.

2046 ~~(8)~~(10) 'Part-time' means employed for compensation on less than a full-time basis by
 2047 any municipal, county, state, or private incorporated fire department.

2048 ~~(8.1)~~(11) 'Recruit' means a prospective firefighter who has not yet been certified or
 2049 registered by the ~~council~~ Department of Fire Safety as having met the requirements of
 2050 Code Section 25-4-8 and the rules and regulations to be a firefighter as provided for by
 2051 the ~~council~~ Department of Fire Safety.

2052 ~~(9)~~(12) 'Volunteer' means not employed for compensation by but appointed and regularly
 2053 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated
 2054 fire department.

2055 25-4-3.

2056 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 2057 procedures, and pending and finalized administrative orders of the Georgia Firefighter
 2058 Standards and Training Council which are in effect on June 30, 2019. Such rules,
 2059 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 2060 superseded, or nullified by the commissioner.

2061 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 2062 previously issued by the Georgia Firefighter Standards and Training Council with respect
 2063 to any function transferred to the Department of Fire Safety shall continue in effect until
 2064 the same expire by their terms unless they are suspended, revoked, or otherwise made
 2065 ineffective as provided by law.

2066 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 2067 and obligations and exercise all of the powers formerly held by the Georgia Firefighter
 2068 Standards and Training Council. All persons employed by and positions authorized for the
 2069 Georgia Firefighter Standards and Training Council shall, on July 1, 2019, be transferred
 2070 to the Department of Fire Safety. All office equipment, furniture, and other assets and real
 2071 property in possession of the Georgia Firefighter Standards and Training Council which
 2072 are used or held exclusively or principally by personnel transferred under this chapter shall
 2073 be transferred to the Department of Fire Safety on July 1, 2019.

2074 ~~(a) The Georgia Firefighter Standards and Training Council is established. The council~~
 2075 ~~shall be composed of 11 members, one of whom shall be the Safety Fire Commissioner or~~

2076 ~~the designated representative of the Safety Fire Commissioner. Two members shall be~~
 2077 ~~appointed by the Lieutenant Governor. Two members shall be appointed by the Speaker~~
 2078 ~~of the House of Representatives. The remaining six members shall be appointed by the~~
 2079 ~~Governor subject to the following requirements:~~

- 2080 ~~(1) One member shall be a member of the governing authority of a county;~~
- 2081 ~~(2) One member shall be a member of the governing authority of a municipality;~~
- 2082 ~~(3) One member shall be a city or county manager;~~
- 2083 ~~(4) One member shall be the chief of a county or municipal fire department; and~~
- 2084 ~~(5) Two members shall be state certified firefighter training officers.~~

2085 ~~(b) The members of the council appointed by the Governor pursuant to subsection (a) of~~
 2086 ~~this Code section shall be appointed at the sole discretion of the Governor. However, the~~
 2087 ~~Governor may consider for appointment to the council persons suggested for membership~~
 2088 ~~thereon as follows:~~

- 2089 ~~(1) The Association County Commissioners of Georgia may suggest the names of three~~
 2090 ~~persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code~~
 2091 ~~section;~~
- 2092 ~~(2) The Georgia Municipal Association may suggest the names of three persons for each~~
 2093 ~~appointment pursuant to paragraph (2) of subsection (a) of this Code section;~~
- 2094 ~~(3) The Georgia City and County Management Association may suggest the names of~~
 2095 ~~three persons for each appointment pursuant to paragraph (3) of subsection (a) of this~~
 2096 ~~Code section;~~
- 2097 ~~(4) The Georgia Association of Fire Chiefs may suggest the names of three persons for~~
 2098 ~~each appointment pursuant to paragraph (4) of subsection (a) of this Code section; and~~
- 2099 ~~(5) The Executive Board of the Georgia State Firemen's Association may suggest the~~
 2100 ~~names of three persons for each appointment pursuant to paragraph (5) of subsection (a)~~
 2101 ~~of this Code section.~~

2102 ~~(c)(1) The first members of the council appointed by the Governor pursuant to subsection~~
 2103 ~~(a) of this Code section shall be appointed to take office on January 1, 1986. The two~~
 2104 ~~members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code~~
 2105 ~~section shall be appointed for initial terms of one year, the two members appointed~~
 2106 ~~pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be~~
 2107 ~~appointed for initial terms of two years, and the two members appointed pursuant to~~
 2108 ~~paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms~~
 2109 ~~of three years. Thereafter, successors shall be appointed for terms of three years as the~~
 2110 ~~respective terms of office expire.~~

2111 ~~(2) The members appointed by the Lieutenant Governor and the members appointed by~~
 2112 ~~the Speaker of the House of Representatives shall each serve for terms concurrent with~~
 2113 ~~terms of members of the General Assembly.~~

2114 ~~(3) All members shall serve until their successors are appointed and qualified. In the~~
 2115 ~~event of a vacancy in the membership of the council for any reason, including ceasing to~~
 2116 ~~hold an office or position required for membership on the council, the Governor shall fill~~
 2117 ~~such vacancy for the unexpired term, except that a vacancy in either of those members~~
 2118 ~~of the council appointed by the Lieutenant Governor or the Speaker of the House of~~
 2119 ~~Representatives shall be filled for the remainder of the unexpired term in the same~~
 2120 ~~manner as the original appointment. In order for the Governor to consider the names of~~
 2121 ~~persons suggested for membership on the council pursuant to subsection (b) of this Code~~
 2122 ~~section, such names must be submitted to the Governor by the respective organizations~~
 2123 ~~at least 60 days but not more than 90 days prior to the expiration of the respective terms~~
 2124 ~~of office or prior to the appointment of the initial members of the council who take office~~
 2125 ~~on January 1, 1986. The Governor shall be authorized, but not required, to request the~~
 2126 ~~appropriate organization designated in subsection (b) of this Code section to suggest the~~
 2127 ~~names of three persons for the Governor's consideration in making an appointment to fill~~
 2128 ~~a vacancy.~~

2129 ~~(d) At the first regular meeting of the council held in each even-numbered year, the council~~
 2130 ~~shall elect a chairperson and such other officers from its own membership as it deems~~
 2131 ~~necessary to serve until successors are elected by the council as provided in this subsection.~~

2132 ~~(e) The council may, from time to time, designate an advisory committee of not more than~~
 2133 ~~three members to assist and advise the council in carrying out its duties under this chapter.~~
 2134 ~~The members of any such advisory committee shall serve at the pleasure of the council.~~

2135 ~~(f) Each member of the council and each member of an advisory committee of the council,~~
 2136 ~~in carrying out their official duties, shall be entitled to receive the same expense and~~
 2137 ~~mileage allowance authorized for members of professional licensing boards by subsection~~
 2138 ~~(f) of Code Section 43-1-2. The funds for such expenses and allowances shall be paid from~~
 2139 ~~funds appropriated or available to the Department of Public Safety.~~

2140 ~~25-4-4.~~

2141 ~~Membership on the council does not constitute public office, and no member shall be~~
 2142 ~~disqualified from holding public office by reason of his membership. Reserved.~~

2143 ~~25-4-5.~~

2144 ~~The council is assigned to the Department of Public Safety for administrative purposes.~~

2145 ~~The funds necessary to carry out this chapter shall come from funds appropriated to and~~

2146 available to the ~~council~~ Department of Fire Safety and from any other available funds. The
 2147 ~~council~~ Department of Fire Safety is authorized to accept and use gifts, grants, and
 2148 donations for the purpose of carrying out this chapter. The ~~council~~ Department of Fire
 2149 Safety is also authorized to accept and use property, both real and personal, and services
 2150 for the purpose of carrying out this chapter.

2151 25-4-6.

2152 ~~The business of the council shall be conducted in the following manner:~~

2153 ~~(1) The council shall hold at least two regular meetings each year at the call of the~~
 2154 ~~chairperson or upon the written request of six members of the council. Six members of~~
 2155 ~~the council shall constitute a quorum. The council shall adopt such rules for the~~
 2156 ~~transaction of its business as it shall desire and may appoint such committees as it~~
 2157 ~~considers necessary to carry out its business and duties; and~~

2158 ~~(2) The council shall make an annual report of its activities to the Governor and to the~~
 2159 ~~General Assembly and shall include in the report its recommendations for appropriate~~
 2160 ~~legislation. The council shall not be required to distribute copies of the annual report to~~
 2161 ~~the members of the General Assembly but shall notify the members of the availability of~~
 2162 ~~the report in the manner which it deems to be most effective and efficient. Reserved.~~

2163 25-4-7.

2164 There is created the Professional Development Division of the Department of Fire Safety.
 2165 The ~~council~~ Department of Fire Safety, through the division, is vested with the following
 2166 functions and powers:

2167 (1) To promulgate rules and regulations for the administration of the ~~council~~ certification
 2168 of firefighters;

2169 (2) To provide rules of procedure for its internal management and control;

2170 (3) To enter into contracts or do such things as may be necessary and incidental to the
 2171 administration of its authority pursuant to this chapter;

2172 (4) To establish uniform minimum standards for the employment and training of
 2173 full-time, part-time, or volunteer firefighters, airport firefighters, fire and life safety
 2174 educators, fire inspectors, fire investigators, and other such firefighting service
 2175 professionals as determined by the ~~council~~ Department of Fire Safety including
 2176 qualifications, certifications, recertifications, decertifications, and probations for certified
 2177 individuals and suspensions for noncertified individuals, and requirements, which are
 2178 consistent with this chapter;

2179 (5) To establish minimum curriculum requirements for schools operated by or for any
 2180 employing agency for the specific purpose of training firefighter recruits or full-time,

2181 part-time, or volunteer firefighters, airport firefighters, fire and life safety educators, fire
2182 inspectors, and fire investigators;

2183 (6) To approve institutions and facilities for school operation by or for any employing
2184 agency for the specific purpose of training firefighters and firefighter recruits, including
2185 airport firefighters;

2186 (7) To make or support studies on any aspect of fire-fighting education and training or
2187 recruitment;

2188 (8) To make recommendations concerning any matter within its purview;

2189 (9) To establish basic firefighter training requirements for full-time, part-time, contract,
2190 and volunteer firefighters, including airport firefighters;

2191 (10) To certify any person satisfactorily complying with the training program established
2192 in accordance with paragraph (9) of this Code section and the qualifications for
2193 employment covered in this chapter; and

2194 (11) To issue a certificate to any person who has received training in another state or
2195 who has received training as a federal firefighter by the United States government, when
2196 the ~~council~~ division has determined that the training was at least equivalent to that
2197 required by the ~~council~~ division for approved firefighter education and training programs
2198 in this state and when the person has satisfactorily complied with all other requirements
2199 of this chapter.

2200 25-4-7.1.

2201 (a) The ~~council~~ commissioner shall appoint and establish the compensation of ~~an executive~~
2202 a director of the division who shall serve at the pleasure of the ~~council~~ commissioner.

2203 (b) The ~~executive~~ director, with the approval of the commissioner, may contract for such
2204 services and employ such other professional, technical, and clerical personnel as may be
2205 necessary and convenient to carry out the purposes of this chapter.

2206 25-4-8.

2207 (a) Except as provided in Code Section 25-4-12, any employee, volunteer, or private
2208 contractor of a fire department operating in this state or certified as a firefighter shall, as
2209 prescribed by the ~~council~~ Department of Fire Safety:

2210 (1) Be at least 18 years of age;

2211 (2) Not have been convicted of, or pleaded guilty to, a felony in any jurisdiction or of a
2212 crime which if committed in this state would constitute a felony under the laws of this
2213 state within ten years prior to employment, provided that a person who has been
2214 convicted of a felony more than five but less than ten years prior to employment may be
2215 certified and employed as a firefighter when the person has:

2216 (A) Successfully completed a training program following the ~~Georgia Fire Academy~~
 2217 ~~curriculum and sponsored by the Department of Corrections~~ curriculum developed by
 2218 the division;

2219 (B) Been recommended to a fire department by the proper authorities at the institution
 2220 at which the training program was undertaken; and

2221 (C) Met all other requirements as set forth in this chapter.

2222 The ~~council~~ commissioner shall be the final authority with respect to authorizing the
 2223 employment, appointment, and certification of a person who has been convicted of a
 2224 felony more than five but less than ten years prior to seeking employment when the
 2225 person is seeking employment as a firefighter for any municipal, county, or state fire
 2226 department which employs three or more firefighters who work a minimum of 40 hours
 2227 per week and has the responsibility of preventing and suppressing fires, protecting life
 2228 and property, and enforcing municipal, county, and state codes, as well as enforcing any
 2229 law pertaining to the prevention and control of fires;

2230 (3) Have a good moral character as determined by investigation under procedure
 2231 approved by the ~~council~~ commissioner;

2232 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to
 2233 disclose any criminal record;

2234 (5) Be in good physical condition as determined by a medical examination and
 2235 successfully pass the minimum physical agility requirements as established by the ~~council~~
 2236 commissioner; and

2237 (6) Possess or achieve within 12 months after employment a high school diploma or a
 2238 general education development equivalency.

2239 (b) For the purposes of this Code section, a person shall be deemed to have been convicted
 2240 of a crime if such person shall have pleaded guilty to a charge thereof before a court or
 2241 federal magistrate or shall have been found guilty thereof by the decision or judgment of
 2242 a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement
 2243 of sentence or the suspension thereof, unless such plea of guilty or such decision, judgment,
 2244 or verdict shall have been set aside, reversed, or otherwise abrogated by lawful judicial
 2245 process or unless the person convicted of the crime shall have received a pardon therefor
 2246 from the President of the United States or the governor or other pardoning authority in the
 2247 jurisdiction where the conviction was had or shall have received a certificate of good
 2248 conduct granted by the State Board of Pardons and Paroles pursuant to the provisions of
 2249 law to remove a disability under law because of such conviction. Any person convicted
 2250 of a felony while he or she is a certified firefighter shall have his or her certification
 2251 revoked.

2252 (c)(1) For the purposes of making determinations relating to eligibility under this Code
 2253 section, a local fire department shall provide information relative to prospective
 2254 employees to the local law enforcement agency and a state fire department shall provide
 2255 information relative to prospective employees to a state law enforcement agency. Such
 2256 local or state law enforcement agency shall be authorized to obtain conviction data with
 2257 respect to such prospective employees of a local or state fire department as authorized in
 2258 this subsection. The local or state law enforcement agency shall submit to the Georgia
 2259 Crime Information Center two complete sets of fingerprints of the applicant for
 2260 appointment or employment, the required records search fees, and such other information
 2261 as may be required. Upon receipt thereof, the Georgia Crime Information Center shall
 2262 promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a
 2263 search of bureau records and an appropriate report and shall retain the other set and
 2264 promptly conduct a search of its own records and records to which it has access. The
 2265 Georgia Crime Information Center shall notify the local or state law enforcement agency
 2266 in writing of any derogatory finding, including, but not limited to, any conviction data
 2267 regarding the fingerprint records check or if there is no such finding. All conviction data
 2268 received by the local or state law enforcement agency shall not be a public record, shall
 2269 be privileged, and shall not be disclosed to any other person or agency except as provided
 2270 in this subsection and except to any person or agency which otherwise has a legal right
 2271 to inspect the employment file. All such records shall be maintained by the local or state
 2272 law enforcement agency pursuant to laws regarding such records and the rules and
 2273 regulations of the Federal Bureau of Investigation and the Georgia Crime Information
 2274 Center, as applicable. As used in this subsection, 'conviction data' means a record of a
 2275 finding or verdict of guilty or plea of guilty or plea of nolo contendere with regard to any
 2276 crime, regardless of whether an appeal of the conviction has been sought.

2277 (2) The local or state law enforcement agency shall provide to the chief of the fire
 2278 department which requested information on an applicant any criminal data indicating that
 2279 the applicant was convicted of a felony. Such information may be provided to the ~~council~~
 2280 Department of Fire Safety. The provisions of paragraph (1) of this subsection relating
 2281 to privileged information and records of conviction data shall apply to any information
 2282 provided by a law enforcement agency to a fire department.

2283 25-4-9.

2284 (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall
 2285 successfully complete a basic training course. The ~~council~~ division shall determine the
 2286 course content, number of hours, and all other matters relative to basic firefighter training,
 2287 including airport rescue firefighter training. Upon satisfactory completion of such basic

2288 training, a firefighter shall be issued a certificate of completion evidencing the same. Each
 2289 firefighter shall be required to successfully complete such basic training course within 12
 2290 months after being employed or appointed as a firefighter or, in the case of airport
 2291 firefighters, within such time period as the ~~council~~ Department of Fire Safety may
 2292 prescribe by rule or regulation.

2293 (b) A firefighter certified by the ~~council~~ Department of Fire Safety may, upon termination
 2294 of employment from any fire department and upon agreement with a subsequently
 2295 employing fire department, transfer such certification to the employing fire department.

2296 (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire
 2297 department may refuse to accept the transfer of previously acquired certification and may
 2298 require any newly employed firefighter to complete the basic training course provided for
 2299 in subsection (a) of this Code section.

2300 25-4-10.

2301 As a condition of continued certification, all firefighters shall train, drill, or study at
 2302 schools, classes, or courses at the local, area, or state level, as specified by the ~~council~~
 2303 Department of Fire Safety. Authorized leaves of absence are expected.

2304 25-4-11.

2305 This chapter shall provide only the minimum qualification standards in training
 2306 requirements for firefighters in this state and does not restrict any employing agency from
 2307 setting and establishing requirements that exceed these minimum standards.

2308 25-4-12.

2309 ~~Except as otherwise provided in Article 2, nothing~~ Nothing in this chapter shall apply to
 2310 firefighters employed on July 1, 1971, and such firefighters are not required to meet the
 2311 requirements of Code Section 25-4-8 or ~~Code Section~~ 25-4-9 as a condition of tenure or
 2312 continued employment; nor shall their failure to fulfill such requirements make them
 2313 ineligible for any promotional examination for which they are otherwise eligible, affect in
 2314 any way any pension rights to which they are otherwise eligible, or affect in any way
 2315 pension rights to which they may be entitled on July 1, 1971. The ~~council~~ Department of
 2316 Fire Safety shall have the authority to investigate qualifications of, and in its discretion to
 2317 issue certificates to, those previously trained firefighters employed on July 1, 1971."

2318 **SECTION 5-4.**

2319 Said title is further amended by revising Chapter 7, relating to the Georgia Fire Academy,
 2320 as follows:

"CHAPTER 7

2321

2322 25-7-1.

2323 This chapter shall be known and may be cited as the '~~Georgia Fire Academy Act.~~ Georgia
 2324 Fire and Emergency Services Training Act.'

2325 25-7-2.

2326 The Professional Development Division of the Department of Fire Safety ~~There is created~~
 2327 ~~the Georgia Fire Academy, the purposes of which shall be, through training and research,~~
 2328 charged with the duty of:

2329 (1) ~~Reducing~~ To reduce the costs in suffering and property loss resulting from fire;

2330 (2) ~~Providing~~ To provide professional training to paid, volunteer, and other publicly or
 2331 privately employed firefighters at a minimal cost to them and their employers;

2332 (3) ~~Assisting, by providing training to~~ To assist the state and its counties, municipalities,
 2333 and other political subdivisions and the officers thereof, in the investigation and
 2334 determination of the causes of fires;

2335 (4) ~~Developing~~ To develop new methods of fire prevention and fire fighting;

2336 (5) ~~Providing~~ To provide facilities for testing fire-fighting and prevention equipment;
 2337 and

2338 (6) ~~Assisting~~ To assist the state and its counties, municipalities, and other political
 2339 subdivisions in the training and operations of fire department-related emergency medical
 2340 services and rescue services.

2341 25-7-3.

2342 As used in this chapter, ~~'board'~~ the term:

2343 (1) 'Commissioner' means the ~~Board of Public Safety~~ commissioner of fire safety.

2344 (2) 'Director' means the director of the division.

2345 (3) 'Division' means the Professional Development Division of the Department of Fire
 2346 Safety.

2347 25-7-4.

2348 (a) The ~~Board of Public Safety~~ division is authorized and empowered to establish, operate,
 2349 and maintain the Georgia Fire Academy for the purposes enumerated in Code Section
 2350 25-7-2. The ~~board~~ Department of Fire Safety is authorized and empowered to do all things
 2351 and to take whatever action is necessary to accomplish these purposes, including, but not
 2352 limited to, the establishment and conduct of training programs and the promulgation of
 2353 rules and regulations relative thereto. The ~~board~~ director shall ~~select~~ serve as the

2354 superintendent of the ~~academy and shall fix the compensation for the superintendent~~
 2355 Georgia Fire Academy.

2356 ~~(b) The board is authorized and directed to create an advisory council to advise and assist~~
 2357 ~~it in carrying out its duties and responsibilities under this chapter. The membership of the~~
 2358 ~~advisory council shall be as the board determines, except that such membership shall~~
 2359 ~~include at least one representative from each of the following organizations: the~~
 2360 ~~Association County Commissioners of Georgia, the Georgia Municipal Association, and~~
 2361 ~~the Insurance Services Office. The director of the Georgia Firefighter Standards and~~
 2362 ~~Training Council shall also be a member of the advisory council. The members of the~~
 2363 ~~advisory council shall serve without compensation, but they may be reimbursed in the same~~
 2364 ~~manner as state officials and employees for travel and other expenses actually incurred by~~
 2365 ~~them in carrying out their duties as members of the council.~~

2366 25-7-5.

2367 The superintendent of the ~~Georgia Fire Academy~~ director, with the approval of the
 2368 commissioner, shall be responsible for the selection of a staff for the Georgia Fire
 2369 Academy. He or she shall also be responsible for the execution of all policies, programs,
 2370 directives, and decisions promulgated by the ~~Board of Public Safety~~ Department of Fire
 2371 Safety and for the direction of the staff and the daily operation of the academy.

2372 25-7-6.

2373 ~~(a) The Georgia Fire Academy is assigned to the Department of Public Safety for~~
 2374 ~~administrative purposes only, as described in Code Section 50-4-3.~~

2375 ~~(b) The Board of Public Safety~~ Department of Fire Safety is authorized to accept gifts,
 2376 grants, and donations for the purposes of carrying out this chapter. The ~~board~~ Department
 2377 of Fire Safety is also authorized to accept property, both real and personal, and services for
 2378 the purposes of carrying out this chapter.

2379 25-7-7.

2380 Subject to the rules and regulations prescribed by the ~~Board of Public Safety~~ Department
 2381 of Fire Safety, the training program of the ~~academy~~ Georgia Fire Academy shall be made
 2382 available to all firefighters and may also be made available to other persons who evidence
 2383 interest in entering the fire-fighting profession. The ~~board~~ Department of Fire Safety is
 2384 authorized to prescribe fees to cover all or a part of the cost of furnishing the training,
 2385 under such rules and regulations as the ~~board~~ Department of Fire Safety shall prescribe.
 2386 The state, municipalities, and counties are authorized to expend funds for the purpose of
 2387 paying such fees. The ~~board~~ Department of Fire Safety is given full authority to decide

2388 who shall be allowed to enroll in the training program of the ~~academy~~ Georgia Fire
 2389 Academy.

2390 25-7-8.

2391 It is not the intention of this chapter that it be mandatory that any firefighter be required to
 2392 attend the ~~academy~~ Georgia Fire Academy. The training program established at the
 2393 academy shall not supersede any training program for firefighters now in existence or
 2394 hereafter established but shall be separate and apart from any other training programs for
 2395 firefighters.

2396 25-7-9.

2397 The Department of Fire Safety shall succeed to all rules, regulations, policies, procedures,
 2398 and pending and finalized administrative orders of the Georgia Fire Academy which are
 2399 in effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
 2400 remain in effect until amended, repealed, superseded, or nullified by the commissioner.

2401 25-7-10.

2402 All valid agreements, licenses, permits, certificates, and similar authorizations previously
 2403 issued by the Georgia Fire Academy with respect to any function transferred to the
 2404 Department of Fire Safety as provided in this chapter shall continue in effect until the same
 2405 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 2406 provided by law.

2407 25-7-11.

2408 Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions and
 2409 obligations and exercise all of the powers formerly held by the Georgia Fire Academy. All
 2410 persons employed by and positions authorized for the Georgia Fire Academy shall, on
 2411 July 1, 2019, be transferred to the Department of Fire Safety. All office equipment,
 2412 furniture, and other assets and real property in possession of the Georgia Fire Academy
 2413 which are used or held exclusively or principally by personnel transferred under this
 2414 chapter shall continue to be used or held by the Department of Fire Safety."

2415

PART VI

2416

SECTION 6-1.

2417 Said title is further amended by revising Code Section 25-8-2, relating to definitions
 2418 regarding the regulation of blasting operations generally, as follows:

2419 "25-8-2.

2420 As used in this chapter, the term:

2421 (1) 'Blaster' means a person qualified by reason of training, knowledge, or experience to
 2422 fire or detonate explosives in blasting operations and who has in his or her possession a
 2423 valid blaster's license issued by the ~~Commissioner~~ commissioner.

2424 (2) 'Blasting operation' means the use of explosives in the blasting of stone, rock, ore, or
 2425 any other natural formation or in any construction or demolition work but shall not
 2426 include the use of explosives in agricultural operations and private and personal use of
 2427 explosives in remote areas for such operations as ditching, land clearing, destruction of
 2428 beaver dams and other such operations when not in close proximity to adjacent property.
 2429 This chapter shall not apply to any blasting operation in which the charge weight is 200
 2430 pounds or less.

2431 (3) 'Charge weight' means the total weight in pounds of an explosive charge.

2432 (4) 'Charge weight per delay' means the weight in pounds of an explosive charge which
 2433 is detonated per delay period for delay intervals of eight milliseconds or greater or the
 2434 total weight of explosives in pounds which is detonated within an interval less than eight
 2435 milliseconds.

2436 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

2437 (6) 'Delay initiation' means the detonation of the subcharge of explosives in
 2438 predetermined sequence which is accomplished by using regular or short period delay
 2439 electric blasting caps or other means of equivalent effectiveness.

2440 (7) 'Delay period' means the time interval in milliseconds (eight milliseconds or greater)
 2441 between successive detonations of subchargers produced by the delay devices used.

2442 (8) 'Distance' means the actual distance in feet along ground contour to the nearest house,
 2443 public building, school, church, or commercial or institutional building normally
 2444 occupied.

2445 (9) 'Explosives' means any chemical compound or other substance or mechanical system
 2446 intended for the purpose of producing an explosion or containing oxidizing and
 2447 combustible units or other ingredients in such proportions or quantities that ignition by
 2448 fire, by friction, by concussion, by percussion, or by detonator may produce an explosion
 2449 capable of causing injury to persons or damage to property.

2450 (10) 'Particle velocity' means the velocity with which an earth particle moves when
 2451 vibrating or oscillating in any manner from its position of rest or elastic equilibrium.

2452 (11) 'Person' means any individual, public or private corporation, political subdivision,
 2453 government agency, municipality, industry, partnership, association, firm, trust, estate,
 2454 or other entity whatsoever.

2455 (12) 'Scaled distance' or 'Ds' means the actual distance (D) in feet divided by the square
 2456 root of the maximum charge weight (W) in pounds that is detonated per delay period.
 2457 This means:

$$2458 \quad D_s = \frac{D}{\sqrt{W}}$$

2461 Scaled distance = Actual distance
 2462 $\sqrt{\text{charge weight per delay interval}}$
 2463

2464 **SECTION 6-2.**

2465 Said title is further amended by revising Code Section 25-8-3, relating to requirements
 2466 governing use of explosives in blasting generally, as follows:

2467 "25-8-3.

2468 (a) The use of explosives for the purpose of blasting in the neighborhood of any public
 2469 highway, railroad, airport, dwelling house, public building, school, church, commercial or
 2470 institutional building, or pipeline shall be done in accordance with this chapter and the rules
 2471 and regulations promulgated by the ~~Commissioner~~ commissioner.

2472 (b) In all blasting operations, except as otherwise provided in this chapter, the maximum
 2473 particle velocity of any component of ground motion recorded on a three-component
 2474 seismograph (where the components — transverse, vertical, and longitudinal — are
 2475 arranged mutually perpendicular) shall not exceed two inches per second at the location of
 2476 any dwelling house, public building, school, church, or commercial or institutional building
 2477 normally occupied.

2478 (c) Blasting operations without instrumentation will be considered as being within the
 2479 limits set forth in this Code section if such blasting operations are conducted in accordance
 2480 with subsection (d) of this Code section.

2481 (d) Any blasting operation may be conducted without reference to any maximum amount
 2482 or period provided by this Code section if the person in charge of the blasting operation
 2483 demonstrates by instrumentation that maximum particle velocity of any component of the
 2484 ground motion does not exceed the limits provided in subsection (b) of this Code section.

2485 (e) Instrumentation for determining particle velocity of ground motion, as set forth in this
 2486 chapter, shall be limited to devices that conform with design criteria for portable
 2487 seismographs as found in the United States Bureau of Mines, RI-6487 and United States
 2488 Bureau of Mines Bulletin 656. The instrument should have calibration traceable to the
 2489 United States Bureau of Standards. The ~~Commissioner~~ commissioner or his or her duly
 2490 authorized agent may enter upon premises for the purpose of observing any necessary
 2491 instrumentation provided by this chapter.

2492 (f) When blasting operations, other than those conducted at a fixed site as a part of any
 2493 industry or business operated at the site, are to be conducted within close proximity to a
 2494 known pipeline, the blaster or person in charge of the blasting operations shall take
 2495 reasonable precautionary measures for the protection of the line and shall notify the owner
 2496 of the line or his or her agent that the blastings are intended.

2497 (g) Blasting operations shall not be conducted within close proximity to any public
 2498 highway unless reasonable precautionary measures are taken to safeguard the public.

2499 (h) When blasting operations are conducted at the immediate location of any dwelling
 2500 house, public building, school, church, or commercial or institutional building which would
 2501 result in ground vibrations having a particle velocity exceeding the limits provided by this
 2502 chapter, such blasting operations may proceed after the receipt of written consent from the
 2503 property owner or owners affected."

2504 SECTION 6-3.

2505 Said title is further amended by revising Code Section 25-8-7, relating to refusal, suspension,
 2506 or revocation of license, as follows:

2507 "25-8-7.

2508 Issuance of a license for the use of explosives may be refused or such a license which has
 2509 been duly issued may be suspended or revoked or the renewal thereof refused by the
 2510 ~~Commissioner~~ commissioner if the ~~Commissioner~~ commissioner finds that the applicant
 2511 for or the holder of the license:

2512 (1) Has violated any provision of this chapter or of any other law of this state or any
 2513 regulation duly promulgated by the ~~Commissioner~~ commissioner;

2514 (2) Has intentionally misrepresented or concealed any material fact in the application for
 2515 the license or any document filed in support thereof;

2516 (3) Has permitted any person in his or her employ, either by direct instruction or by
 2517 reasonable implication, to violate this chapter;

2518 (4) Has been convicted of a felony by final judgment in any state or federal court;

2519 (5) Has failed to comply with or has violated any proper order, rule, or regulation issued
 2520 by the ~~Commissioner~~ commissioner; or

2521 (6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a
 2522 blaster."

2523 SECTION 6-4.

2524 Said title is further amended by revising Code Section 25-8-9, relating to promulgation of
 2525 rules and regulations by Commissioner and forms, as follows:

2526 "25-8-9.

2527 The ~~Commissioner~~ commissioner may promulgate such rules and regulations, neither
 2528 inconsistent nor contradictory with this chapter, as he or she deems necessary to effectuate
 2529 this chapter. The ~~Commissioner~~ commissioner may also prescribe the forms required for
 2530 the administration of this chapter."

2531 **SECTION 6-5.**

2532 Said title is further amended by revising Code Section 25-8-10, relating to approval by
 2533 Commissioner of variations from requirements of chapter, as follows:

2534 "25-8-10.

2535 The ~~Commissioner~~ commissioner may approve variations from the requirements of this
 2536 chapter when he or she finds that an emergency exists and that the proposed variations
 2537 from the specific requirements are necessary, will not hinder the effective administration
 2538 of this chapter, and will not be contrary to any other applicable law, either state or federal."

2539 **SECTION 6-6.**

2540 Said title is further amended by revising Code Section 25-8-11, relating to powers of
 2541 Commissioner for enforcement of chapter, rules, and regulations generally and privileged
 2542 nature of evidence submitted to Commissioner, as follows:

2543 "25-8-11.

2544 (a) Whenever it appears to the ~~Commissioner~~ commissioner, either upon investigation or
 2545 otherwise, that any person has engaged in, is engaging in, or is about to engage in any act,
 2546 practice, or transaction which is prohibited by this chapter or by any rule, regulation, or
 2547 order of the ~~Commissioner~~ commissioner promulgated or issued pursuant to this chapter
 2548 or which is declared to be unlawful under this chapter, the ~~Commissioner~~ commissioner,
 2549 in his or her discretion and if he or she deems it to be appropriate in the public interest or
 2550 for the protection of the citizens of this state, may issue an order prohibiting the person
 2551 from continuing the act, practice, or transaction.

2552 (b) Other powers granted to the ~~Commissioner~~ commissioner for the enforcement of this
 2553 chapter include, but are not limited to, the following:

2554 (1) The ~~Commissioner~~ commissioner may institute actions or other legal proceedings in
 2555 any superior court of proper venue. Thereupon, the superior court, among other
 2556 appropriate relief, may issue injunctions restraining persons and those acting in active
 2557 concert with them from engaging in acts prohibited by the ~~Commissioner~~ commissioner
 2558 in the enforcement of this chapter;

2559 (2) In addition to any other penalties provided in this chapter, the ~~Commissioner~~
 2560 commissioner shall have authority to place a licensee on probation for a period of time

2561 not to exceed one year or to impose a monetary fine of up to \$1,000.00, or to do both, for
 2562 each and every violation of this chapter or of the rules and regulations or orders of the
 2563 ~~Commissioner~~ commissioner promulgated pursuant thereto; and

2564 (3) The ~~Commissioner~~ commissioner or his or her designee shall have investigatorial
 2565 powers and shall be empowered to subpoena witnesses and to examine them under oath.

2566 (c) All testimony, documents, and other evidence required to be submitted to the
 2567 ~~Commissioner~~ commissioner pursuant to this chapter shall be privileged."

2568 SECTION 6-7.

2569 Said title is further amended by revising Code Section 25-8-12, relating to penalties for
 2570 violations of chapter, rules, regulations, or orders, and by adding a new Code section to read
 2571 as follows:

2572 "25-8-12.

2573 Any person who violates this chapter or any rule, regulation, or order promulgated by the
 2574 ~~Commissioner~~ commissioner pursuant to this chapter shall be guilty of a misdemeanor and,
 2575 upon conviction thereof, shall be punished by a fine of not less than \$500.00 and not more
 2576 than \$1,000.00.

2577 25-8-13.

2578 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 2579 procedures, and pending and finalized administrative orders of the Safety Fire
 2580 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
 2581 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 2582 superseded, or nullified by the commissioner.

2583 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 2584 previously issued by the Safety Fire Commissioner with respect to any function transferred
 2585 to the Department of Fire Safety shall continue in effect until the same expire by their
 2586 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 2587 law.

2588 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 2589 and obligations and exercise all of the powers formerly held by the Safety Fire
 2590 Commissioner under this chapter."

2591

PART VII

2592

SECTION 7-1.

2593 Said title is further amended by revising Chapter 10, relating to regulation of fireworks, as
 2594 follows:

2595

"CHAPTER 10

2596 25-10-1.

2597 (a) As used in this chapter, the term:

2598 (1) 'Commissioner' means the commissioner of fire safety.

2599 ~~(1)~~(2) 'Consumer fireworks' means any small fireworks devices containing restricted
 2600 amounts of pyrotechnic composition, designed primarily to produce visible or audible
 2601 effects by combustion, that comply with the construction, chemical composition, and
 2602 labeling regulations of the United States Consumer Product Safety Commission as
 2603 provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the
 2604 United States Department of Transportation as provided for in Part 172 of Title 49 of the
 2605 Code of Federal Regulations, and the American Pyrotechnics Association as provided for
 2606 in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall
 2607 mean Roman candles.

2608 ~~(2)~~(3) 'Consumer fireworks retail sales facility' shall have the same meaning as provided
 2609 for by NFPA 1124; provided, however, that such term shall not include a tent, canopy,
 2610 or membrane structure.

2611 ~~(3)~~(4) 'Consumer fireworks retail sales stand' shall have the same meaning as provided
 2612 for by NFPA 1124.

2613 ~~(4)~~(5) 'Distributor' means any person, firm, corporation, association, or partnership which
 2614 sells consumer fireworks.

2615 ~~(4.1)~~(6) 'Electric plant' shall have the same meaning as provided for in Code Section
 2616 46-3A-1.

2617 ~~(5)~~(7) 'Fireworks' means any combustible or explosive composition or any substance or
 2618 combination of substances or article prepared for the purpose of producing a visible or
 2619 audible effect by combustion, explosion, deflagration, or detonation, including blank
 2620 cartridges, firecrackers, torpedos, skyrockets, bombs, sparklers, and other combustibles
 2621 and explosives of like construction, as well as articles containing any explosive or
 2622 flammable compound and tablets and other devices containing an explosive substance.

2623 ~~(6)~~(8) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code*
 2624 *for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and*
 2625 *Pyrotechnic Articles*, 2006 Edition.

2626 ~~(7)~~(9) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3)
 2627 of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title
 2628 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or
 2629 private elementary or secondary school in this state.

2630 ~~(8)~~(10) 'Proximate audience' means an audience closer to pyrotechnic devices than
 2631 permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks*
 2632 *Display*, as adopted by the ~~Safety Fire Commissioner~~ commissioner.

2633 ~~(9)~~(11) 'Pyrotechnics' means fireworks.

2634 ~~(10)~~(12) 'Store' shall have the same meaning as provided for by NFPA 1124; provided,
 2635 however, that such term shall only include such buildings with at least 4,000 square feet
 2636 of retail display space and wherefrom:

2637 (A) No more than 25 percent of such retail display space is used for consumer
 2638 fireworks and items or products as provided for under paragraph (2) of subsection (b)
 2639 of this Code section; and

2640 (B) Other items or products which are not consumer fireworks or items or products as
 2641 provided for under paragraph (2) of subsection (b) of this Code section are sold;
 2642 and provided, further, that such term means a person, firm, corporation, association, or
 2643 partnership with more than one mercantile location, where all such mercantile locations
 2644 are collectively known to the public by the same name or share central management.

2645 ~~(11)~~(13) 'Waste-water treatment plant' shall have the same meaning as provided for in
 2646 Code Section 43-51-2.

2647 ~~(12)~~(14) 'Water treatment plant' shall have the same meaning as provided for in Code
 2648 Section 43-51-2.

2649 (b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

2650 (1) Model rockets and model rocket engines designed, sold, and used for the purpose of
 2651 propelling recoverable aero models, toy pistol paper caps in which the explosive content
 2652 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy
 2653 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term
 2654 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for
 2655 sporting and hunting purposes; and

2656 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling
 2657 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical
 2658 compound per tube or a total of 500 grams or less for multiple tubes; snake and glow
 2659 worms; smoke devices; or trick noise makers which include paper streamers, party

2660 poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less
2661 of explosive mixture.

2662 25-10-2.

2663 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to
2664 offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess,
2665 manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise
2666 provided in this chapter.

2667 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful
2668 for any person, firm, corporation, association, or partnership to sell consumer fireworks
2669 or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any
2670 person under 18 years of age.

2671 (2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2)
2672 of subsection (b) of Code Section 25-10-1 to any person by any means other than an
2673 in-person, face-to-face sale. Such person shall provide proper identification to the seller
2674 at the time of such purchase. For purposes of this paragraph, the term 'proper
2675 identification' means any document issued by a governmental agency containing a
2676 description of the person or such person's photograph, or both, and giving such person's
2677 date of birth and includes without being limited to a passport, military identification card,
2678 driver's license, or identification card authorized under Code Sections 40-5-100 through
2679 40-5-104.

2680 (3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined
2681 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors or within the right
2682 of way of a public road, street, highway, or railroad of this state.

2683 (B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject to
2684 paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for any
2685 person, firm, corporation, association, or partnership to use or ignite or cause to be
2686 ignited any consumer fireworks:

2687 (i) On any day beginning at the time of 10:00 A.M. and up to and including the
2688 ending time of 9:00 P.M.;

2689 (ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59
2690 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county
2691 or municipal corporation of the location in which such use or ignition occurs, except
2692 as otherwise provided for under this subparagraph; provided, however, that a county
2693 or municipal corporation may additionally require the issuance of a special use permit
2694 pursuant to subparagraph (D) of this paragraph for use or ignition;

2695 (iii) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00
2696 P.M. and up to and including the time of 11:59 P.M.; and
2697 (iv) On January 1 of each year beginning at the time of 12:00 Midnight and up to and
2698 including the ending time of 1:00 A.M.

2699 (C) Subject to subparagraph (D) of this paragraph, paragraph (4) of this subsection, and
2700 Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association,
2701 or partnership to use or ignite or cause to be ignited any consumer fireworks anywhere
2702 in this state except:

2703 (i) As provided for under subparagraph (A) of this paragraph;
2704 (ii) In any location where such person, firm, corporation, association, or partnership
2705 is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause
2706 to be ignited any consumer fireworks;
2707 (iii) Within 100 yards of an electric plant; water treatment plant; waste-water
2708 treatment plant; a facility engaged in the retail sale of gasoline or other flammable or
2709 combustible liquids or gases where the volume stored is in excess of 500 gallons for
2710 the purpose of retail sale; a facility engaged in the production, refining, processing,
2711 or blending of any flammable or combustible liquids or gases for retail purposes; any
2712 public or private electric substation; or a jail or prison;
2713 (iv) Within 100 yards of the boundaries of any public use air facility provided for
2714 under Title 6 or any public use landing area or platform marked and designed for
2715 landing use by helicopters;
2716 (v) Within any park, historic site, recreational area, or other property which is owned
2717 by or operated by, for, or under the custody and control of a governing authority of
2718 a county or municipal corporation, except pursuant to a special use permit as provided
2719 for in subparagraph (D) of this paragraph;
2720 (vi) Within any park, historic site, recreational area, or other property which is owned
2721 by or operated by, for, or under the custody and control of the State of Georgia,
2722 except pursuant to any rules and regulations of the agency or department having
2723 control of such property which may allow for such use or ignition of consumer
2724 fireworks;
2725 (vii) Within 100 yards of a hospital, nursing home, or other health care facility
2726 regulated under Chapter 7 of Title 31; provided, however, that an owner or operator
2727 of such facility may use or ignite or cause to be ignited consumer fireworks on the
2728 property of such facility or may grant written permission to any person, firm,
2729 corporation, association, or partnership to use or ignite or cause to be ignited
2730 consumer fireworks on the property of such facility; or

2731 (viii) While under the influence of alcohol or any drug or any combination of alcohol
2732 and any drug to the extent that it is less safe or unlawful for such person to ignite
2733 consumer fireworks as provided for in Code Section 25-10-2.1.

2734 (D) Any person, firm, corporation, association, or partnership may use or ignite or
2735 cause to be ignited any consumer fireworks as provided for under divisions (3)(B)(ii)
2736 and (3)(C)(v) of this subsection if such person, firm, corporation, association, or
2737 partnership is issued a special use permit pursuant to the law of a governing authority
2738 of a county or municipal corporation for the use or ignition of consumer fireworks in
2739 a location within such county or municipality as provided for under divisions (3)(B)(ii)
2740 and (3)(C)(v) of this subsection, provided that such special use permit is required for
2741 such use or ignition. Such special use permit shall designate the time or times and
2742 location that such person, firm, corporation, association, or partnership may use or
2743 ignite or cause to be ignited such consumer fireworks. A fee assessed by a county or
2744 municipal corporation for the issuance of a special use permit pursuant to this
2745 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
2746 municipality, or other political subdivision shall bear liability for any decisions made
2747 pursuant to this Code section.

2748 (E) Whenever the Governor issues a declaration of drought, the Governor may, for the
2749 boundaries of the area covered by such declaration, enact further regulations and
2750 restrictions concerning the use of consumer fireworks than provided for under this
2751 chapter; provided, however, that no such further regulations or restrictions on the use
2752 of consumer fireworks shall be effective pursuant to this subparagraph on January 1,
2753 July 3, July 4, or December 31 of any year; provided, further, that such further
2754 regulations or restrictions shall only apply to the exact boundaries of the area covered
2755 by such declaration and shall only apply with regard to the ignition of consumer
2756 fireworks; and provided, further, that upon expiration or conclusion of such declaration,
2757 such further regulations or restrictions shall be rescinded by law.

2758 (4)(A) It shall be lawful for any person 18 years of age or older to use or ignite or
2759 cause to be ignited or to possess, manufacture, transport, or store consumer fireworks.

2760 (B) To the extent otherwise permitted by law, it shall be lawful for any person who is
2761 16 or 17 years of age to possess or transport consumer fireworks, provided that such
2762 person is serving as an assistant to a distributor licensed under subsection (c) of Code
2763 Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application
2764 pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such
2765 consumer fireworks on a highway which constitutes a part of The Dwight D.
2766 Eisenhower System of Interstate and Defense Highways.

2767 (5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for
 2768 sale at retail or wholesale any consumer fireworks pursuant to the requirements of this
 2769 chapter.

2770 (B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for
 2771 sale at retail or wholesale any consumer fireworks, provided that such person is serving
 2772 as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1
 2773 or the nonprofit group benefiting from such distributor's application pursuant to
 2774 subsection (c) of Code Section 25-10-5.1.

2775 (6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer
 2776 fireworks retail sales facility or store only if such permanent consumer fireworks retail
 2777 sales facility or store is:

2778 (i) In compliance with the requirements for such a permanent consumer fireworks
 2779 retail sales facility or store in the selling of consumer fireworks as provided for in
 2780 NFPA 1124; and

2781 (ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b)
 2782 or (d) of Code Section 25-10-5.1.

2783 (B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks
 2784 retail sales stand only if such temporary consumer fireworks retail sales stand is:

2785 (i) In compliance with the requirements for such a temporary consumer fireworks
 2786 retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

2787 (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political
 2788 subdivision or a fire department connection of a building affiliated with such
 2789 consumer fireworks retail sales stand, unless the chief administrative officer of the
 2790 fire department of a county, municipality, or other political subdivision or chartered
 2791 fire department legally organized to operate in this state pursuant to Chapter 3 of this
 2792 title and having operational authority over such location of the temporary consumer
 2793 fireworks retail sales stand provides in writing that such temporary consumer
 2794 fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant
 2795 or fire department connection; and

2796 (iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c)
 2797 of Code Section 25-10-5.1.

2798 A distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 may operate
 2799 no more than two temporary consumer fireworks retail sales stands in this state per
 2800 location licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1; provided,
 2801 however, that such distributor has been operating and open to the public pursuant to
 2802 subsection (b) or (d) of Code Section 25-10-5.1 no less than 30 days prior to July 4 or

2803 December 31 in the year of an application for a license under subsection (c) of Code
2804 Section 25-10-5.1 that is filed within 30 days of July 4 or December 31.

2805 (C) It shall be unlawful to sell consumer fireworks from any motor vehicle, from a
2806 trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure.

2807 25-10-2.1.

2808 (a) It shall be unlawful for any person to ignite consumer fireworks or fireworks while:

2809 (1) Under the influence of alcohol or any drug or any combination of alcohol and any
2810 drug to the extent that it is unsafe for such person to ignite consumer fireworks or
2811 fireworks; or

2812 (2) Subject to the provisions of subsection (b) of this Code section, there is any amount
2813 of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in
2814 such person's blood or urine, or both, including the metabolites and derivatives of each
2815 or both, without regard to whether or not any alcohol is present in such person's breath
2816 or blood.

2817 (b) The fact that any person charged with violating this Code section is or has been legally
2818 entitled to use a drug shall not constitute a defense against any charge of violating this
2819 Code section; provided, however, that such person shall not be in violation of this Code
2820 section unless such person is rendered incapable of igniting consumer fireworks or
2821 fireworks safely as a result of using a drug other than alcohol which such person is legally
2822 entitled to use.

2823 (c) Any person convicted of violating subsection (a) of this Code section shall be guilty
2824 of a misdemeanor.

2825 25-10-3.

2826 Nothing in this chapter shall be construed to prohibit the following:

2827 (1) The wholesale or retail sale of fireworks for use in a public exhibition or public
2828 display and the transportation of fireworks for such use, provided that any person selling
2829 at wholesale or retail or transporting fireworks for such use must have a duplicate copy
2830 of the permit which has been issued by the judge of the probate court to a person, firm,
2831 corporation, association, or partnership which has been authorized to hold a public
2832 exhibition or display, and provided, further, that the seller maintains and makes available
2833 for inspection by the ~~Safety Fire Commissioner~~ commissioner or the designee thereof the
2834 record of any such fireworks sale for a period of 18 months from the date of sale;

2835 (2) Use by railroads or other transportation agencies of fireworks specifically designed
2836 and intended for signal purposes or illumination;

2837 (3) The sale or use of blank cartridges for a show or theater or for signal or ceremonial
 2838 purposes in athletic or sports events or for use by military or police organizations; or
 2839 (4) The manufacture of any fireworks not prohibited by Congress or any federal agency;
 2840 the possession, transportation, and storage of any such fireworks by any manufacturer
 2841 thereof; the storage of certain such fireworks by a nonmanufacturer in accordance with
 2842 the provisions of Code Section 25-10-3.1; the possession, transportation, or distribution
 2843 of any such fireworks to a distributor located outside this state; the sale of such fireworks
 2844 by any such manufacturer to a distributor located outside this state; or the possession and
 2845 transportation of such fireworks by any manufacturer or contractor or common carrier
 2846 from the point of manufacture within this state to any point outside this state.

2847 25-10-3.1.

2848 (a) Fireworks defined as Class B explosives or the equivalent thereof by regulations of the
 2849 United States Department of Transportation set forth in Part 173 of Title 49 of the Code of
 2850 Federal Regulations and which are to be used only for purposes of a public exhibition or
 2851 display pursuant to Code Section 25-10-4 may be stored by a person, firm, or corporation,
 2852 other than a manufacturer, pursuant to a magazine license issued by the ~~Safety Fire~~
 2853 ~~Commissioner~~ commissioner in accordance with the provisions of this Code section. Any
 2854 application for such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner
 2855 in a form to be prescribed by the ~~Commissioner~~ commissioner. The application shall
 2856 include a letter of acknowledgment and endorsement from the local authority having
 2857 responsibility for fire suppression.

2858 (b) Any application for a magazine license made pursuant to subsection (a) of this Code
 2859 section shall be accompanied by plans for the magazine proposed to be used for storage of
 2860 Class B explosives or the equivalent thereof, in such detail and in such number of copies
 2861 as required by the ~~Safety Fire Commissioner~~ commissioner. Construction of a magazine
 2862 for storage of fireworks pursuant to this Code section shall not commence until the plans
 2863 therefor have been approved by the state fire marshal and returned to the applicant.

2864 (c) No license shall be issued pursuant to this Code section unless:

2865 (1) The applicant currently holds a valid license or permit to receive explosive materials
 2866 including Class B explosives or the equivalent thereof issued pursuant to regulations of
 2867 the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the
 2868 Treasury;

2869 (2) The applicant presents a copy of a valid permit for a public exhibition or display of
 2870 fireworks issued pursuant to Code Section 25-10-4;

2871 (3) The state fire marshal or the designee thereof has determined upon inspection that the
 2872 constructed magazine meets or exceeds the requirements for magazines to be used for

2873 storing Class B explosives or the equivalent thereof as established by regulations and
 2874 adopted codes and standards of the ~~Safety Fire Commissioner~~ commissioner; and

2875 (4) The state fire marshal or the designee thereof has determined upon inspection that the
 2876 constructed magazine meets or exceeds any additional requirements applicable to
 2877 magazines to be used for storage of Class B explosives or the equivalent thereof by
 2878 nonmanufacturers as may be established by regulation promulgated pursuant to Code
 2879 Section 25-10-5.

2880 (d) Any license issued pursuant to this Code section shall be subject to the annual license
 2881 fee and expiration date provisions of Code Section 25-10-5. The initial annual fee for a
 2882 magazine license shall be submitted along with the application for such license.

2883 (e) Any fireworks stored under any magazine license issued pursuant to this Code section
 2884 shall be stored in an approved magazine and in accordance with the regulations for storing
 2885 Class B explosives or the equivalent thereof as established by regulations of the ~~Safety Fire~~
 2886 ~~Commissioner~~ commissioner and any additional requirements for storage of such
 2887 explosives by nonmanufacturers as may be established by regulation promulgated pursuant
 2888 to Code Section 25-10-5, for a period of time not to exceed 60 days before and 60 days
 2889 after the permitted date of a public exhibition or display of fireworks pursuant to Code
 2890 Section 25-10-4.

2891 (f) Any violation of the provisions of this Code section shall be grounds for revoking a
 2892 magazine license.

2893 25-10-3.2.

2894 (a) No person, firm, corporation, association, or partnership shall cause the combustion,
 2895 explosion, deflagration, detonation, or ignition of pyrotechnics for the purpose of a public
 2896 exhibition or display before a proximate audience unless such person, firm, corporation,
 2897 association, or partnership holds a valid license issued by the ~~Safety Fire Commissioner~~
 2898 commissioner in accordance with the provisions of this Code section. Any application for
 2899 such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner in the form
 2900 prescribed by the ~~Safety Fire Commissioner~~ commissioner.

2901 (b) All applicants must meet the following requirements for licensure:

2902 (1) The applicant shall submit to the ~~Safety Fire Commissioner~~ commissioner proof of
 2903 a valid comprehensive liability insurance policy purchased from an insurer authorized to
 2904 do business in Georgia. The coverage must include bodily injury and property damage,
 2905 products liability, completed operations, and contractual liability. The proof of insurance
 2906 must also be provided before any license can be renewed. The minimum amount of said
 2907 coverage shall be \$1 million or such other amount as specified by the ~~Safety Fire~~

2908 ~~Commissioner~~ commissioner. An insurer that provided such coverage shall notify the
 2909 ~~Safety Fire Commissioner~~ commissioner of any change in coverage;

2910 (2) The applicant shall pay the required licensing fee as prescribed in Code Section
 2911 25-10-5; and

2912 (3) The applicant shall comply with all rules and regulations promulgated by the ~~Safety~~
 2913 ~~Fire Commissioner~~ commissioner pursuant to this chapter.

2914 (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to
 2915 conduct pyrotechnic displays.

2916 25-10-4.

2917 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public
 2918 exhibition or display of fireworks not before a proximate audience shall first obtain a
 2919 permit from the judge of the probate court of the county in which the public exhibition or
 2920 display is to be held. Application for a permit must be made in writing and filed with the
 2921 judge not less than ten days prior to the date of the proposed public exhibition or display
 2922 of fireworks. Fireworks distributors located outside this state shall obtain display permit
 2923 application forms and provide the same to applicants upon request. The judge may grant
 2924 a permit for the display on the following conditions:

2925 (1) That the display be conducted by a competent operator approved by the judge;

2926 (2) That the display shall be of such character as in the opinion of the judge will not be
 2927 hazardous to persons or property;

2928 (3) That the local fire official responsible for the area in question certifies in writing that
 2929 the site for the display meets his or her approval and is in compliance with all applicable
 2930 codes; and

2931 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
 2932 payable to the county in which the display is being held and conditioned for the payment
 2933 of damages which may be caused either to persons or to property by reason of the display
 2934 or, alternatively, that the application be accompanied by evidence that the applicant
 2935 carries proper liability insurance for bodily injury in the amount of not less than
 2936 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
 2937 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
 2938 with an insurance company duly licensed by the Commissioner of Insurance.

2939 (b) Any person, firm, corporation, association, or partnership desiring to conduct a public
 2940 exhibition or display of fireworks before a proximate audience shall first obtain a permit
 2941 from the judge of the probate court of the county in which the public exhibition or display
 2942 is to be held. Application for a permit must be made in writing and filed with the judge not
 2943 less than ten days prior to the date of the proposed public exhibition or display of

2944 fireworks. Such application must contain the license number issued by the ~~Safety Fire~~
2945 ~~Commissioner~~ commissioner for the person, firm, corporation, association, or partnership
2946 that will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the
2947 public exhibition or display. Fireworks distributors located outside this state shall obtain
2948 display permit application forms and provide the same to applicants upon request. The
2949 judge may grant a permit for the display on the following conditions:

2950 (1) That the display be conducted by a competent operator approved by the judge;

2951 (2) That the display shall be of such character as in the opinion of the judge will not be
2952 hazardous to persons or property;

2953 (3) That the local fire official responsible for the area in question certifies in writing that
2954 the site for the display meets his or her approval and is in compliance with all applicable
2955 codes; and

2956 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
2957 payable to the county in which the display is being held and conditioned for the payment
2958 of damages that may be caused either to persons or to property by reason of the display
2959 or, alternatively, that the application be accompanied by evidence that the applicant
2960 carries property liability insurance for bodily injury in the amount of not less than
2961 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
2962 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
2963 with an insurance company duly licensed by the Commissioner of Insurance.

2964 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be
2965 granted unless the applicant has met all the requirements of and is in full compliance with
2966 the rules and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner
2967 pursuant to this chapter.

2968 (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited
2969 to the time specified therein, such time not to exceed a two-week period. The permit shall
2970 not be transferable. In the event any fireworks bought and possessed under this Code
2971 section are not used by the licensee or in the event that there is a surplus or excess after the
2972 two-week period expires, it shall be the duty of the licensee to return such fireworks to a
2973 facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations
2974 promulgated by the ~~Safety Fire Commissioner~~ commissioner. Fireworks stored in
2975 accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband
2976 and shall not be subject to seizure.

2977 (e) The judge of the probate court shall receive \$10.00 for his or her services in granting
2978 or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.
2979 The judge of the probate court shall provide the ~~Safety Fire Commissioner~~ commissioner
2980 a copy of each permit granted prior to the proposed date of the public exhibition or display.

2981 25-10-4.1.

2982 No person under the age of 18 shall be employed to work at any magazine, or at any
2983 facility containing a magazine, wherein fireworks are stored or to work in any public
2984 exhibition or display of fireworks.

2985 25-10-5.

2986 The annual license fee for any person, firm, or corporation conducting business in this state
2987 under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code
2988 Section 25-10-3.1 or conducting pyrotechnic displays under Code Section 25-10-3.2 shall
2989 be \$1,500.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner. The license
2990 shall expire on December 31 of each year. The ~~Safety Fire Commissioner~~ commissioner
2991 is authorized and directed to promulgate safety regulations relating to the manufacture,
2992 storage, and transportation of fireworks within this state in order to ensure the adequate
2993 protection of the employees of any such person, firm, or corporation and of the general
2994 public. The ~~Safety Fire Commissioner~~ commissioner is also authorized and directed to
2995 promulgate safety regulations relating to the public exhibition or display of pyrotechnics
2996 and the licensing requirements of those conducting such public exhibitions or displays, as
2997 he or she deems necessary. The ~~Safety Fire Commissioner~~ commissioner is further
2998 authorized and directed to conduct periodic inspections of the facilities of any person, firm,
2999 or corporation manufacturing, storing, and transporting fireworks as provided in paragraph
3000 (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order to ensure
3001 compliance with fire safety rules and regulations.

3002 25-10-5.1.

3003 (a)(1) A license pursuant to this Code section shall only be issued to a distributor that:

3004 (A) Complies with all the requirements of this chapter; and

3005 (B) Maintains at all times public liability and product liability insurance with minimum
3006 coverage limits of \$2 million to cover the losses, damages, or injuries that might ensue
3007 to persons or property as a result of selling consumer fireworks.

3008 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
3009 statement of representation in an application executed pursuant to this Code section shall
3010 be guilty of a violation of Code Section 16-10-20.

3011 (3) Applications to the ~~Safety Fire Commissioner~~ commissioner pursuant to this Code
3012 section shall be upon forms prescribed and promulgated by the ~~Safety Fire Commissioner~~
3013 commissioner.

3014 (4) Any person, firm, corporation, association, or partnership seeking a license pursuant
3015 to subsection (b) or (d) of this Code section shall have property from which the applicant

3016 intends to sell consumer fireworks under such person's, firm's, corporation's,
3017 association's, or partnership's ownership or legal control through a lease, rental
3018 agreement, licensing agreement, or other contractual instrument at the time of filing the
3019 application for such license, and such property shall be in a condition ready for
3020 inspection.

3021 (b)(1) The initial license fee for a distributor selling consumer fireworks from a
3022 permanent consumer fireworks retail sales facility shall be \$1,500.00 per location,
3023 payable to the ~~Safety Fire Commissioner~~ commissioner; provided, however, that the
3024 initial license fee shall be \$5,000.00 for a distributor that is not licensed pursuant to this
3025 subsection prior to July 1, 2016. Upon finding that a distributor has met the requirements
3026 of subsection (a) of this Code section and upon payment of such license fee, such initial
3027 license shall be issued by the ~~Safety Fire Commissioner~~ commissioner and shall identify
3028 the permanent consumer fireworks retail sales facility applicable to such license. Such
3029 initial license shall expire on January 31 of the year after such initial license was issued
3030 or as otherwise provided for under this subsection. After such initial license, such
3031 distributor may annually renew such initial license, which shall then become an annual
3032 license, for \$1,000.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner.
3033 Upon finding that a distributor has met the requirements of subsection (a) of this Code
3034 section and upon payment of such license fee, such annual license shall be issued by the
3035 ~~Safety Fire Commissioner~~ commissioner and shall identify the permanent consumer
3036 fireworks retail sales facility applicable to such license. Such annual license shall expire
3037 on January 31 of each year or as otherwise provided for under this subsection; provided,
3038 however, that a distributor shall apply for an annual license or renewal of an annual
3039 license by December 1 in the year preceding the expiration date of such initial or annual
3040 license; and provided, further, that if an initial license is issued to a distributor on or after
3041 December 1, then such distributor shall apply for an annual license by the first business
3042 day of the next year.

3043 (2) The determination by the ~~Safety Fire Commissioner~~ commissioner of whether a
3044 distributor has met requirements for the issuance of a license required by this subsection
3045 shall be made within 30 days of the submission of an application for any initial or annual
3046 license; provided, however, that if a license will expire prior to the expiration of such 30
3047 days and no such determination has been made by the ~~Safety Fire Commissioner~~
3048 commissioner, then the expiration date for such license shall be extended until the date
3049 of such determination by the ~~Safety Fire Commissioner~~ commissioner but for no more
3050 than 30 days. If a determination has not been made within the time provided for by this
3051 paragraph, or for an appeal of a determination by the ~~Safety Fire Commissioner~~
3052 commissioner, a distributor may seek review from the judge of the probate court of the

3053 county of the location or proposed location of the permanent consumer fireworks retail
3054 sales facility. Such judge may provide for the issuance or nonissuance of a license and
3055 for the payment of license fees in such manner as is consistent with the provisions of this
3056 subsection.

3057 (c)(1) The license fee for a distributor selling consumer fireworks from a temporary
3058 consumer fireworks retail sales stand shall be \$500.00 per location, payable to the
3059 governing authority of the county, municipality, or other political subdivision of this state
3060 in whose boundaries such temporary consumer fireworks retail sales stand shall be
3061 located or is proposed to be located. Upon finding that a distributor has met the
3062 requirements of subsection (a) of this Code section, has a license pursuant to subsection
3063 (b) or (d) of this Code section, has no more than the allowable temporary consumer
3064 fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of Code Section 25-10-2,
3065 that the sales of consumer fireworks from such temporary consumer fireworks retail sales
3066 stand shall accrue to the benefit of a nonprofit group, and upon payment of such license
3067 fee, such license shall be issued by the fire department of the county, municipality, or
3068 other political subdivision or the chartered fire department legally organized to operate
3069 in this state pursuant to Chapter 3 of this title and having operational authority of the area
3070 in which such temporary consumer fireworks retail sales stand shall be located or is
3071 proposed to be located. Such license shall identify the temporary consumer fireworks
3072 retail sales stand applicable to such license and shall expire on the next January 31 after
3073 the issuance of such license.

3074 (2) A determination by a fire department as provided for under paragraph (1) of this
3075 subsection of whether a distributor has met requirements for the issuance of a license
3076 pursuant to this subsection shall be made within 30 days of the submission of an
3077 application for any such license. Such application shall be in writing and, if such fire
3078 department provides for a written form for the application for a license pursuant to this
3079 Code section, upon such form as may be provided by such fire department. If a
3080 determination has not been made within the time provided for by this paragraph, or for
3081 an appeal of a determination by such fire department, a distributor may seek review from
3082 the judge of the probate court of the county of the location or proposed location of the
3083 temporary consumer fireworks retail sales stand. Such judge may provide for the
3084 issuance or nonissuance of a license and for the payment of license fees in such manner
3085 as is consistent with the provisions of this subsection.

3086 (3) For at least one of the temporary consumer fireworks retail sales stands provided for
3087 under subparagraph (b)(6)(B) of Code Section 25-10-2, a nonprofit group benefiting from
3088 the sale of consumer fireworks from such temporary consumer fireworks retail sales stand
3089 shall directly participate in operating such temporary consumer fireworks retail sales

3090 stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative
3091 of a nonprofit group to knowingly lend the name of the nonprofit group or allow the
3092 identity of the nonprofit group to be used for the license under this subsection if such
3093 nonprofit group is not directly participating in operating, or benefiting from the operation
3094 of, such temporary consumer fireworks retail sales stand.

3095 (4) The governing authority of a county, municipality, or other political subdivision
3096 receiving fees pursuant to this Code section shall expend such fees for public safety
3097 purposes.

3098 (5) A distributor licensed pursuant to this subsection shall submit a list of the names and
3099 addresses, including the counties, of each temporary consumer fireworks retail sales stand
3100 at which such distributor has consumer fireworks offered for sale pursuant to this Code
3101 section to the ~~Safety Fire Commissioner~~ commissioner. Such list shall be submitted not
3102 less than 30 days prior to first having a temporary consumer fireworks retail sales stand
3103 at which such distributor has consumer fireworks offered for sale and not less than 30
3104 days prior to having such distributor's consumer fireworks offered for sale at a location
3105 not previously included on such list. The ~~Safety Fire Commissioner~~ commissioner shall
3106 make such list publicly available for inspection. In making determinations as provided
3107 for under this subsection, fire departments shall reference the list provided for by this
3108 paragraph.

3109 (6) A revocation or suspension of a license provided for under subsection (b) or (d) of
3110 this Code section shall operate as a revocation or suspension of a distributor's license
3111 under this subsection for the term of such revocation or suspension.

3112 (d)(1) The initial license fee for a distributor selling consumer fireworks from a store
3113 shall be \$1,500.00 in addition to \$250.00 per store location, payable to the ~~Safety Fire~~
3114 ~~Commissioner~~ commissioner. Upon finding that a distributor has met the requirements
3115 of subsection (a) of this Code section, such initial license shall be issued by the ~~Safety~~
3116 ~~Fire Commissioner~~ commissioner; provided, however, that such distributor has been
3117 operating and open to the public no less than 30 days prior to July 4 or December 31 in
3118 the year of an application for an initial license that is filed within 30 days of July 4 or
3119 December 31; and provided, further, that a distributor holding an initial license may add
3120 additional store locations to such license prior to the expiration of such license upon
3121 payment of \$250.00 per added store location. Such initial license shall expire on January
3122 31 of the year after such initial license was issued or as otherwise provided for under this
3123 subsection. After such initial license, such distributor may annually renew such initial
3124 license, which shall then become an annual license, for \$1,000.00 in addition to \$100.00
3125 per store location, payable to the ~~Safety Fire Commissioner~~ commissioner; provided,
3126 however, that a distributor holding an annual license may add additional store locations

3127 to such license prior to the expiration of such license upon payment of \$250.00 per added
 3128 store location. Upon finding that a distributor has met the requirements of subsection (a)
 3129 of this Code section, such annual license shall be issued by the ~~Safety Fire Commissioner~~
 3130 commissioner. Such annual license shall expire on January 31 of each year or as
 3131 otherwise provided for under this subsection; provided, however, that a distributor shall
 3132 apply for an annual license or renewal of an annual license by December 1 in the year
 3133 preceding the expiration date of such initial or annual license; and provided, further, that
 3134 if an initial license is issued to a distributor on or after December 1, then such distributor
 3135 shall apply for an annual license by the first business day of the next year.

3136 (2) An application submitted under this subsection shall identify each store location to
 3137 which an initial or annual license is applicable; there shall not be a requirement for a
 3138 separate application for each of the several store locations. The determination by the
 3139 ~~Safety Fire Commissioner~~ commissioner of whether a distributor has met requirements
 3140 for the issuance of a license required by this subsection shall be made within 30 days of
 3141 the submission of an application for any initial or annual license; provided, however, that
 3142 if a license will expire prior to the expiration of such 30 days and no such determination
 3143 has been made by the ~~Safety Fire Commissioner~~ commissioner, then the expiration date
 3144 for such license shall be extended until the date of such determination by the ~~Safety Fire~~
 3145 ~~Commissioner~~ commissioner but for no more than 30 days. If a determination has not
 3146 been made within the time provided for by this paragraph, or for an appeal of a
 3147 determination by the ~~Safety Fire Commissioner~~ commissioner, a distributor may seek
 3148 review from the judge of the probate court of the county of the location or proposed
 3149 location of the store from which consumer fireworks will be sold. Such judge may
 3150 provide for the issuance or nonissuance of a license and for the payment of license fees
 3151 in such manner as is consistent with the provisions of this subsection.

3152 25-10-6.

3153 (a) The state fire marshal shall enforce the provisions of this chapter; provided, however,
 3154 that, in addition, any law enforcement officer or agency of this state or political subdivision
 3155 thereof may enforce provisions relating to using or igniting or causing to be ignited
 3156 consumer fireworks. Applicable fire departments of a county, municipality, or other
 3157 political subdivision or a chartered fire department shall refer cases for enforcement under
 3158 subsection (c) of Code Section 25-10-5.1 to the state fire marshal. All fireworks or
 3159 consumer fireworks manufactured, offered for sale, exposed for sale, or stored in violation
 3160 of this chapter are declared to be contraband and may be seized, taken, and removed, or
 3161 caused to be removed and destroyed or disposed of at the expense of the owner thereof by
 3162 the state fire marshal, the Georgia State Patrol, or any sheriff or local police official.

3163 (b) Any property declared as contraband pursuant to this Code section shall be forfeited
3164 in accordance with the procedures set forth in Chapter 16 of Title 9.

3165 25-10-7.

3166 This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over
3167 which the ~~Safety Fire Commissioner~~ commissioner has regulatory control.

3168 25-10-8.

3169 (a) Any person, firm, corporation, association, or partnership that violates Code
3170 Section 25-10-3.2 shall be guilty of a felony and shall be punished by imprisonment for not
3171 less than two nor more than ten years, or by a fine of not more than \$10,000.00, or both.

3172 (b) Any person, firm, corporation, association, or partnership that violates any other
3173 provision of this chapter shall be guilty of a misdemeanor.

3174 25-10-9.

3175 Notwithstanding any provision of this chapter to the contrary, the ~~Safety Fire~~
3176 ~~Commissioner~~ commissioner shall have the authority to subject any person, firm,
3177 corporation, association, or partnership that knowingly violates this chapter to a monetary
3178 penalty of up to \$2,500.00 for each and every act in violation of this chapter; provided,
3179 however, that the ~~Safety Fire Commissioner~~ commissioner shall have the authority to
3180 subject any person, firm, corporation, association, or partnership that knowingly sells
3181 consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of
3182 up to \$5,000.00 and, if any such person, firm, corporation, association, or partnership is a
3183 distributor, then a license revocation for not more than two years. Each sales transaction
3184 in violation of this chapter shall be a separate offense.

3185 25-10-10.

3186 It shall be unlawful for any person, firm, corporation, association, or partnership to release
3187 or cause to be released any balloon, bag, parachute, or other similar device which requires
3188 fire underneath for propulsion or to release or cause to be released any floating water
3189 lantern or wish lantern which uses a flame to create a lighting effect in any public
3190 waterway, lake, pond, stream, or river.

3191 25-10-11.

3192 (a) Whenever the ~~Safety Fire Commissioner~~ commissioner shall have reason to believe
3193 that any person is or has been violating any provisions of this chapter, the ~~Safety Fire~~
3194 ~~Commissioner~~ commissioner, his or her deputy, his or her assistant, or other designated

3195 persons may issue and deliver to the person an order to cease and desist such violation. An
 3196 order issued under this Code section shall be delivered in accordance with the provisions
 3197 of subsection (c) of this Code section.

3198 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
 3199 order is cause for revocation of any or all licenses issued by the ~~Safety Fire Commissioner~~
 3200 commissioner for a period of not less than six months and not to exceed five years. If a
 3201 new license has been issued to the person so charged, the order of revocation shall operate
 3202 effectively with respect to such new license held by such person. In the case of an
 3203 applicant for a license, violation of any provision of this title or regulations promulgated
 3204 thereunder may constitute grounds for refusal of the application. Decisions under this
 3205 subsection may be appealed as provided by law.

3206 (c) Any order issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter
 3207 shall contain or be accompanied by a notice of opportunity for hearing which shall provide
 3208 that a hearing will be held if and only if a person subject to the order requests a hearing in
 3209 writing within ten days of receipt of the order and notice. The order and notice shall be
 3210 served by delivery by the ~~Safety Fire Commissioner~~ commissioner or his or her agent or
 3211 by registered or certified mail or statutory overnight delivery, return receipt requested. Any
 3212 person who fails to comply with any order under this subsection is guilty of a misdemeanor
 3213 and may be punished by law.

3214 (d) In addition to other powers granted to the ~~Safety Fire Commissioner~~ commissioner
 3215 under this chapter, the ~~Safety Fire Commissioner~~ commissioner may bring a civil action
 3216 to enjoin a violation of any provision of this chapter or of any rule, regulation, or order
 3217 issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter.

3218 25-10-12.

3219 (a) In addition to the grounds set forth in Code Section 25-10-11, it is cause for revocation
 3220 or suspension, refusal, or nonrenewal by the ~~Safety Fire Commissioner~~ commissioner of
 3221 any license issued under this chapter if it is determined that the licensee or applicant has:

3222 (1) Failed to comply with all the requirements of this chapter or the rules and regulations
 3223 promulgated pursuant thereto;

3224 (2) Failed to maintain the minimum insurance coverage as set forth in this chapter;

3225 (3) Made a material misstatement or misrepresentation or committed a fraud in obtaining
 3226 or attempting to obtain a license; or

3227 (4) Failed to notify the ~~Safety Fire Commissioner~~ commissioner, in writing, within 30
 3228 days after a change of residence, principal business address, or name.

3229 (b) In addition to other grounds set forth in this Code section, the ~~Safety Fire~~
 3230 ~~Commissioner~~ commissioner shall not issue a new license under this chapter if the ~~Safety~~

3231 ~~Fire Commissioner~~ commissioner finds that the circumstance or circumstances for which
 3232 the license was previously suspended or revoked still exist or are likely to recur.

3233 25-10-13.

3234 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 3235 procedures, and pending and finalized administrative orders of the Safety Fire
 3236 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
 3237 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 3238 superseded, or nullified by the commissioner.

3239 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 3240 previously issued by the Safety Fire Commissioner with respect to any function transferred
 3241 to the Department of Fire Safety shall continue in effect until the same expire by their
 3242 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 3243 law.

3244 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 3245 and obligations and exercise all of the powers formerly held by the Safety Fire
 3246 Commissioner under this chapter."

3247 **PART VIII**

3248 **SECTION 8-1.**

3249 Said title is further amended by revising Chapter 11, relating to fire protection sprinkler
 3250 contractors, as follows:

3251 "CHAPTER 11

3252 25-11-1.

3253 This chapter shall be known and may be cited as the 'Georgia Fire Sprinkler Act.'

3254 25-11-2.

3255 As used in this chapter, the term:

3256 (1) 'Certificate' or 'certificate of competency' means the document issued by the
 3257 ~~Commissioner~~ commissioner to a certificate holder who has demonstrated adequate
 3258 technical knowledge and ability to design in accordance with recognized standards as
 3259 adopted by the ~~Commissioner~~ commissioner and to perform and supervise the
 3260 installation, repair, alteration, addition, maintenance, or inspection of water-based fire
 3261 protection systems.

- 3262 (2) 'Certificate holder' means an individual who has been issued a certificate of
3263 competency by the ~~Commissioner~~ commissioner.
- 3264 (3) 'Commissioner' means the ~~Georgia Safety Fire Commissioner~~ commissioner of fire
3265 safety.
- 3266 (4) 'Fire protection sprinkler contractor' means an individual, partnership, corporation,
3267 association, or joint venture that supervises, performs, or supervises and performs the
3268 installation, repair, alteration, addition, maintenance, or inspection of water-based fire
3269 protection systems. Such term does not include local building officials, fire inspectors,
3270 or insurance inspectors when acting in their official capacities.
- 3271 (5) 'Fire protection sprinkler contractor license' means the document issued by the
3272 ~~Commissioner~~ commissioner to the fire protection sprinkler contractor which authorizes
3273 the fire protection sprinkler contractor to engage in the business of fabrication,
3274 installation, repair, alteration, maintenance, or inspection of water-based fire protection
3275 systems.
- 3276 (6) 'Fire protection sprinkler system' means an integrated system of overhead and
3277 underground piping designed in accordance with fire protection engineering standards.
3278 The installation includes one or more automatic water supplies. The portion of the system
3279 aboveground is a network of specially sized or hydraulically designed piping installed in
3280 a building, structure, or area, generally overhead, to which sprinklers are attached in a
3281 systematic pattern. The valve controlling each system riser is located in the system riser
3282 or its supply piping. The system is usually activated by heat from a fire and discharges
3283 water over the fire area.
- 3284 (7) 'Fire protection system designer' means a person who develops documents pertaining
3285 to water-based fire protection systems.
- 3286 (8) 'Fire protection system designer license' means a document issued by the
3287 ~~Commissioner~~ commissioner which authorizes the fire protection system designer to
3288 engage in the business of producing construction shop drawings pertaining to water-based
3289 fire protection systems.
- 3290 (9) 'Fire protection system inspector' means an individual who performs inspections only
3291 on water-based fire protection systems in accordance with applicable codes and standards
3292 as adopted by the ~~Commissioner~~ commissioner. Such term does not apply to state, local,
3293 and insurance inspectors while acting in their official capacities.
- 3294 (10) 'Fire protection system inspector's license' means a document issued by the
3295 ~~Commissioner~~ commissioner which authorizes the fire protection system inspector to
3296 engage in the business of inspecting water-based fire protection systems.
- 3297 (11) 'Fire pump' means a pump supplying water at the flow and pressure required by
3298 water-based fire protection systems.

3299 (12) 'Foam-water spray system' means a special system pipe connected to a source of
3300 foam concentrate and to a water supply and equipped with foam-water spray nozzles for
3301 fire protection agent discharge (foam and water sequentially in that order or in reverse
3302 order) and distribution over the area to be protected. System operation arrangements
3303 parallel those for foam-water sprinkler systems.

3304 (13) 'Foam-water sprinkler system' means a special system pipe connected to a source
3305 of foam concentrates and to a water supply and equipped with appropriate discharge
3306 devices for fire protection agent discharge and distribution over the area to be protected.
3307 The piping system is connected to the water supply through a control valve that is usually
3308 actuated by operation of automatic detection equipment installed in the same area as the
3309 sprinklers. When this valve opens, water flows into the piping system, and foam
3310 concentrate is injected into the water. The resulting foam solution discharging through
3311 the discharge devices generates and distributes foam. Upon exhaustion of the foam
3312 concentrate supply, water discharge will follow the foam and continue until manually
3313 shut off. Existing deluge sprinkler systems that have been converted to the use of
3314 aqueous film forming foam are classified as foam-water sprinkler systems.

3315 (14) 'Inspection' means a visual examination of a water-based fire protection system or
3316 portion thereof to verify that it appears to be in operating condition and is free of physical
3317 damage.

3318 (15) 'Maintenance' means work performed to keep equipment operable or to make repairs
3319 without altering the operation of the water-based system.

3320 (16) 'Private fire service main' means that pipe and its appurtenances on private property
3321 that are:

3322 (A) Between a source of water and the base of the system riser for water-based fire
3323 protection systems;

3324 (B) Between a source of water and inlets to foam-making systems;

3325 (C) Between a source of water and the base elbow of private hydrants or monitor
3326 nozzles;

3327 (D) Used as fire pump suction and discharge piping outside of a building; and

3328 (E) Beginning at the inlet side of the check valve on a gravity or pressure tank.

3329 (17) 'Private water tank' means a tank supplying water for water-based fire protection
3330 systems which is located on private property.

3331 (18) 'Standpipe system' means an arrangement of piping, valves, hose connections, and
3332 allied equipment installed in a building or structure with the hose connections located in
3333 such a manner that water can be discharged in streams or spray patterns through attached
3334 hoses and nozzles for the purpose of extinguishing a fire, thus protecting a building or
3335 structure, its contents, and its occupants. This is accomplished by connection to water

3336 supply systems or by pumps, tanks, and other equipment necessary to provide an
3337 adequate supply of water-to-hose connections.

3338 (19) 'Testing' means a procedure to determine the status of a system as intended by
3339 conducting periodic physical checks on water-based fire protection systems such as
3340 waterflow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction
3341 valves. These tests follow up on the original acceptance test at intervals specified in the
3342 appropriate standards related to such systems.

3343 (20) 'Water-based fire protection system' means any one system or any combination of
3344 a number of systems designed to deliver water to an apparatus designed to extinguish or
3345 retard the advancement of fire. Such systems include fire protection sprinkler systems,
3346 standpipe systems, private fire service mains, fire pumps, private water tanks, water spray
3347 fixed systems, foam-water spray systems, and foam-water sprinkler systems. The term
3348 'fire sprinkler system' is used interchangeably with this term.

3349 (21) 'Water-spray fixed system' means a special fixed pipe system connected to a reliable
3350 fire protection water supply and equipped with water-spray nozzles for specific water
3351 discharge and distribution over the surface or area to be protected. The piping system is
3352 connected to the water supply through an automatically or manually activated valve that
3353 initiates the flow of water. An automatic valve is actuated by operation of automatic
3354 detection equipment installed in the same area as the water-spray nozzles.

3355 25-11-3.

3356 (a) The ~~Commissioner~~ commissioner is charged with the duty and responsibility for the
3357 enforcement of this chapter.

3358 (b) Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any
3359 provision of this chapter may be exercised, discharged, or performed by any deputy,
3360 assistant, or other designated employee acting in the ~~Commissioner's~~ commissioner's name
3361 and by his or her delegated authority.

3362 (c) The ~~Commissioner~~ commissioner may, at his or her discretion, have the competency
3363 and license test prepared by others.

3364 (d) The ~~Commissioner~~ commissioner is authorized to enter into a reciprocal agreement
3365 with the state fire commissioner, ~~or state fire marshal, or such other fire safety official~~ of
3366 other states for the waiver of the competency test of any applicant resident in such other
3367 jurisdiction, provided that:

3368 (1) The laws of the other jurisdiction are substantially similar to this chapter; and

3369 (2) The applicant has no place of business within this state nor is an officer, director,
3370 stockholder, or partner in any corporation or partnership doing business in this
3371 jurisdiction as a fire protection sprinkler contractor.

3372 25-11-4.

3373 (a) Any individual desiring to become a certificate holder shall submit to the
 3374 ~~Commissioner~~ commissioner a completed application on forms prescribed by the
 3375 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a
 3376 nonrefundable certificate fee of \$150.00 plus a one-time filing fee of \$75.00. Such fee
 3377 shall not be prorated for portions of a year.

3378 (b) Prior to obtaining a certificate, the applicant shall demonstrate his or her competence
 3379 and knowledge of water-based fire protection systems by:

3380 (1) Successfully completing a competency test by means prescribed by rules and
 3381 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; or

3382 (2) Submitting to the ~~Commissioner~~ commissioner a certification from either the state
 3383 fire commissioner or state fire marshal of another jurisdiction whenever a reciprocal
 3384 agreement has been entered into between the two jurisdictions pursuant to the provisions
 3385 of this chapter.

3386 (c)(1) If the applicant has paid the required fees and has met one of the requirements of
 3387 subsection (b) of this Code section, the ~~Commissioner~~ commissioner shall issue a
 3388 certificate of competency in the name of the applicant, unless such applicant has been
 3389 cited under other provisions of this chapter. Such certificate shall expire annually as
 3390 determined by the rules and regulations and shall be nontransferable.

3391 (2) In no case shall a certificate holder be allowed to obtain a certificate of competency
 3392 for more than one fire protection sprinkler contractor or more than one office location at
 3393 a time. If the certificate holder should leave the employment of a fire protection sprinkler
 3394 contractor or change office locations, he or she must notify the ~~Commissioner~~
 3395 commissioner in writing within 30 days.

3396 (d) A certificate holder desiring to renew his or her certificate shall submit a renewal
 3397 application to the ~~Commissioner~~ commissioner and remit therewith a renewal fee of
 3398 \$100.00 on or before the date determined by the rules and regulations of each year. If the
 3399 state minimum fire safety standards regarding the installation or maintenance of fire
 3400 protection sprinkler systems or water-spray systems promulgated by the ~~Commissioner~~
 3401 commissioner have been revised since the date the certificate holder's expiring certificate
 3402 was issued, the ~~Commissioner~~ commissioner may, upon 30 days' notice, require the
 3403 certificate holder to again meet one of the requirements of subsection (b) of this Code
 3404 section prior to the renewal of his or her certificate.

3405 25-11-5.

3406 (a) Where a fire protection sprinkler contractor has multiple office locations for the
 3407 purpose of design, installation, repair, alteration, addition, maintenance, or inspection of

3408 water-based fire protection systems, each location shall be licensed under the provisions
3409 of this chapter.

3410 (b) Any organization or individual desiring to become a fire protection sprinkler contractor
3411 shall submit to the ~~Commissioner~~ commissioner a completed application on forms
3412 prescribed by him or her. Such organization or individual shall remit with his or her
3413 application a nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00.
3414 Such fee shall not be prorated for portions of a year.

3415 (c) Prior to obtaining a sprinkler contractor's license, the applicant shall:

3416 (1) Submit to the ~~Commissioner~~ commissioner a copy of any and all certificate of
3417 competency holders' certificates employed by the applicant; and

3418 (2) Submit to the ~~Commissioner~~ commissioner proof of comprehensive liability
3419 insurance coverage. The liability insurance policy shall provide coverage in an amount
3420 not less than \$1 million and shall cover any loss to property or personal injury caused by
3421 the fire protection sprinkler contractor. The policy must be purchased from an insurer
3422 authorized to do business in Georgia.

3423 (d) A fire protection sprinkler contractor license shall expire annually as determined by the
3424 rules and regulations. A license holder desiring to renew his or her license shall submit a
3425 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00
3426 on or before the date determined by the rules and regulations of each year.

3427 25-11-6.

3428 (a) Any individual desiring to become a fire protection sprinkler system inspector shall
3429 submit to the ~~Commissioner~~ commissioner a completed application on the prescribed
3430 forms. Such individual shall remit with his or her application a nonrefundable license fee
3431 of \$100.00 plus a one-time filing fee of \$75.00. Such fees shall not be prorated for portions
3432 of a year.

3433 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and
3434 employment by a sprinkler contractor by:

3435 (1) Successfully completing a competency test by means prescribed by rules and
3436 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; and

3437 (2) Submitting to the ~~Commissioner~~ commissioner proof of employment by a sprinkler
3438 contractor who has comprehensive liability insurance coverage. The liability insurance
3439 policy shall provide coverage in an amount not less than \$1 million and shall cover any
3440 loss to property or personal injury caused by the fire protection sprinkler inspector. The
3441 policy must be purchased from an insurer authorized to do business in Georgia.

3442 (c) A fire protection sprinkler system inspector license shall expire annually as determined
3443 by the rules and regulations. A license holder desiring to renew his or her license shall

3444 submit a renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee
3445 of \$75.00 on or before the date determined by the rules and regulations of each year.

3446 25-11-7.

3447 (a) Any individual desiring to become a fire protection system designer shall submit to the
3448 ~~Commissioner~~ commissioner a completed application on forms prescribed by the
3449 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a
3450 nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00. Such fee shall
3451 not be prorated for portions of a year.

3452 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and
3453 knowledge of water-based fire protection systems by means prescribed by rules and
3454 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner or as set forth
3455 in Chapter 15 of Title 43.

3456 (c) A fire protection system designer license shall expire annually as determined by the
3457 rules and regulations. A license holder desiring to renew his or her license shall submit a
3458 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00
3459 on or before the date determined by the rules and regulations of each year.

3460 25-11-8.

3461 (a) No person shall act as a fire protection sprinkler contractor unless a certificate holder
3462 is employed full time, in office or on site or combination thereof, to supervise or perform
3463 the installation, repair, alteration, addition, maintenance, or inspection of water-based fire
3464 protection systems.

3465 (b) If the only certificate holder employed by a fire protection sprinkler contractor leaves
3466 the employment of the fire protection contractor, the contractor shall notify the
3467 ~~Commissioner~~ commissioner in writing within 30 days. A new certificate holder must be
3468 employed by a fire protection sprinkler contractor within 30 days of such notice.

3469 (c) No fire protection sprinkler contractor shall permit any person under his or her
3470 employment or control to install, repair, alter, maintain, or inspect any water-based fire
3471 protection system unless such person is a certificate holder or is under the direct
3472 supervision of a certificate holder employed by the contractor.

3473 (d) Only fire protection sprinkler contractors or certificate of competency holders shall
3474 alter or renovate water-based fire protection systems except as otherwise provided by this
3475 chapter.

3476 (e) Individuals employed by the building owner or a representative of the building owner
3477 may repair leaks, replace broken fittings, or perform other routine maintenance that does
3478 not alter the piping arrangement or operation of a water-based fire protection system.

3479 (f) Installations shall conform to codes as adopted by the ~~Commissioner~~ commissioner
3480 unless otherwise permitted by this chapter or the rules and regulations promulgated
3481 pursuant to this chapter.

3482 (g) It shall be unlawful for any person to begin installation of a fire sprinkler system on
3483 any proposed or existing building or structure which comes under the classification in
3484 paragraph (1) of subsection (b) of Code Section 25-2-13 or which comes under the
3485 jurisdiction of the ~~office of the Commissioner of Insurance~~ Department of Fire Safety
3486 pursuant to Code Section 25-2-12 without first having drawings of the designed system
3487 approved by the appropriate authority having jurisdiction unless otherwise provided by the
3488 rules and regulations promulgated pursuant to this chapter.

3489 25-11-9.

3490 (a) Water-based fire protection shop drawings shall be reviewed for code compliance with
3491 the state minimum standards by a certificate of competency holder.

3492 (b) The reviewing certificate holder's signature, printed name, and certificate number
3493 indicating such compliance shall be indicated on submitted plans.

3494 (c) Noncode compliance dictated by bid documents shall be reported by means prescribed
3495 by the rules and regulations promulgated pursuant to this chapter.

3496 25-11-10.

3497 (a) Only licensed fire protection system designers or other designers under their direct
3498 supervision shall prepare water-based fire protection system documents for construction.

3499 (b) All documents shall be representative of code complying water-based fire protection
3500 systems unless otherwise permitted by the rules and regulations promulgated pursuant to
3501 this chapter.

3502 (c) The licensed fire protection system designer's signature, printed name, and license
3503 number shall be indicated on the shop drawings.

3504 25-11-11.

3505 (a) Inspections, maintenance, and testing required by this chapter shall only be performed
3506 by licensed fire protection system inspectors, certificate of competency holders, or
3507 representatives of the building owner. Representatives of the building owner shall indicate
3508 in writing to the authority having jurisdiction their intent to do such inspections and
3509 provide to the authority having jurisdiction proof of knowledge and expertise pertaining
3510 to the systems inspected as specified in the rules and regulations adopted pursuant to this
3511 chapter. Said representatives of the building owner are exempt from the license
3512 requirements specified in Code Section 25-11-6.

3513 (b) Duly authorized manufacturers' representatives while acting in their official capacities
3514 are exempt from this chapter.

3515 (c) Inspections and maintenance of water-based fire protection systems owned by a firm,
3516 business, or corporation and installed on property under control of the firm, business, or
3517 corporation may be performed by an employee of the firm, business, or corporation,
3518 provided that annual inspection and maintenance of the water-based system are performed
3519 by a current certificate of competency holder or inspector as defined in this chapter. Said
3520 employees are exempt from the license requirements specified in Code Section 25-11-6.

3521 25-11-12.

3522 The ~~Commissioner~~ commissioner may promulgate such rules and regulations as he or she
3523 deems necessary to carry out the provisions of this chapter. The ~~Commissioner~~
3524 commissioner may also prescribe the forms required for the administration of this chapter.

3525 25-11-13.

3526 (a) The installation or repair of any underground facilities or piping which connects to and
3527 furnishes water for the water-based fire protection system shall be performed only by a
3528 licensed utility contractor, fire protection sprinkler contractor, or licensed plumber in
3529 accordance with the minimum fire safety standards adopted by the ~~Commissioner~~
3530 commissioner. The installing contractor shall be responsible for the installation of proper
3531 underground facilities and piping which provide an adequate flow of water from the fire
3532 protection water supply to the water-based fire protection system.

3533 (b) Evidence of inspection shall be given to the owner or his or her representative in the
3534 form of a letter indicating the inspector or certificate of competency holder and the license
3535 number or certificate number.

3536 (c) Before any local building official shall issue any license or building permit which
3537 authorizes the construction of any building or structure containing a water-based fire
3538 protection system, such local official shall require a copy of a valid fire protection sprinkler
3539 contractor license from the fire protection sprinkler contractor. The fire protection
3540 sprinkler contractor shall be required to pay any fees normally imposed for local licenses
3541 or permits, but the local official shall impose no requirements on the fire protection
3542 sprinkler contractor to prove competency other than proper evidence of a valid certificate
3543 of competency, as issued by the ~~Commissioner~~ commissioner.

3544 (d) Nothing in this chapter limits the power of a municipality, county, or the state to
3545 require the submission and approval of plans and specifications or to regulate the quality
3546 and character of work performed by contractors through a system of permits, fees, and
3547 inspections otherwise authorized by law for the protection of the public health and safety.

3548 25-11-14.

3549 This chapter shall also apply to any fire protection sprinkler contractor performing work
3550 for the state or any municipality, county, or other political subdivision. Officials of the
3551 state or any municipality, county, or other political subdivision are required to determine
3552 compliance with this chapter before awarding any contracts for the installation, repair,
3553 alteration, addition, maintenance, or inspection of a water-based fire protection system.
3554 Bids tendered for such contracts shall be accompanied by a copy of a valid certificate of
3555 competency.

3556 25-11-15.

3557 (a) All fees collected pursuant to the provisions of this chapter shall be deposited with the
3558 Fiscal Division of the Department of Administrative Services.

3559 (b) The ~~Commissioner~~ commissioner shall be authorized to receive grants for the
3560 administration of this chapter from parties interested in upgrading and improving the
3561 quality of water-based fire protection systems, education of the public pertaining to
3562 water-based fire protection systems, or the upgrading of fire protection, in general, in
3563 Georgia.

3564 25-11-16.

3565 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any
3566 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~
3567 commissioner, his or her deputy, his or her assistant, or other designated persons may issue
3568 and deliver to the individual an order to cease and desist such violation. An order issued
3569 under this Code section may be delivered in accordance with the provisions of subsection
3570 (d) of this Code section.

3571 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
3572 order is cause for revocation of any or all certificates and licenses issued by the
3573 ~~Commissioner~~ commissioner for a period of not less than six months and not to exceed five
3574 years. If a new certificate or license has been issued to the person so charged, the order of
3575 revocation shall operate effectively with respect to such new certificates and licenses held
3576 by such person. In the case of an applicant for a license, certificate, or permit, violation of
3577 any provision of this title or regulations promulgated thereunder may constitute grounds
3578 for refusal of the application. Decisions under this subsection may be appealed as provided
3579 by law.

3580 (c) Any person who violates any provision of this chapter or any rule, regulation, or order
3581 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil
3582 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first

3583 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not
 3584 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to
 3585 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~
 3586 commissioner or his or her agent shall give written notice to the person or entity by hand
 3587 delivery or by registered or certified mail or statutory overnight delivery, return receipt
 3588 requested, of the existence of the violations. After a reasonable period of time after notice
 3589 is given, an order may be issued based on this Code section. Such order must be delivered
 3590 in accordance with the provisions of subsection (d) of this Code section and must notify
 3591 the person or entity of the right to a hearing with respect to same.

3592 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain
 3593 or be accompanied by a notice of opportunity for hearing which may provide that a hearing
 3594 will be held if and only if a person subject to the order requests a hearing within ten days
 3595 of receipt of the order and notice. The order and notice shall be served by delivery by the
 3596 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or
 3597 statutory overnight delivery, return receipt requested. Any person who fails to comply with
 3598 any order under this subsection is guilty of a misdemeanor and may be punished by law.

3599 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this
 3600 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of
 3601 any provision of this chapter or of any rule, regulation, or order issued by the
 3602 ~~Commissioner~~ commissioner under this chapter.

3603 25-11-17.

3604 In addition to the grounds set forth in Code Section 25-11-16, it is cause for revocation or
 3605 suspension, refusal, or nonrenewal of certificates or licenses by the ~~Commissioner~~
 3606 commissioner if it is determined that the holder or applicant has:

3607 (1) Rendered inoperative a water-based fire protection system covered by this chapter,
 3608 except during a reasonable time during which the system is being repaired, altered, added
 3609 to, maintained, inspected, or except pursuant to a court order;

3610 (2) Falsified any record required to be maintained by this chapter or rules or regulations
 3611 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~
 3612 commissioner;

3613 (3) Improperly installed, repaired, serviced, modified, altered, inspected, or tested a
 3614 water-based fire protection system;

3615 (4) While holding a certificate or license, allowed another person to use the certificate
 3616 or license or certificate number or license number other than his or her own valid
 3617 certificate or license or certificate number or license number;

3618 (5) While holding a certificate or license, used a certificate or license or certificate
 3619 number or license number other than his or her own valid certificate or license or
 3620 certificate number or license number;

3621 (6) Used credentials, methods, means, or practices to impersonate a representative of the
 3622 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,
 3623 or other fire authority having jurisdiction;

3624 (7) Failed to maintain the minimum insurance coverage as set forth in this chapter;

3625 (8) Failed to obtain, retain, or maintain one or more of the qualifications and
 3626 requirements to obtain a certificate of competency or other licenses required by this
 3627 chapter;

3628 (9) Installed, serviced, modified, altered, inspected, maintained, added to, or tested a
 3629 water-based fire protection system without a current, valid license or certificate, when
 3630 such license or certificate is required by this chapter;

3631 (10) Made a material misstatement or misrepresentation or committed a fraud in
 3632 obtaining or attempting to obtain a license or certificate; or

3633 (11) Failed to notify the ~~Commissioner~~ commissioner, in writing, with 30 days after a
 3634 change of residence, principal business address, or name.

3635 In addition to other grounds set forth in this Code section, the ~~Commissioner~~ commissioner
 3636 shall not issue a new license or certificate if the ~~Commissioner~~ commissioner finds that the
 3637 circumstance or circumstances for which the license or certificate was previously
 3638 suspended or revoked still exist or are likely to recur.

3639 25-11-18.

3640 The failure to renew a certificate or license by the expiration date as set forth in this chapter
 3641 will cause the certificate or license to become inoperative. A certificate or license which
 3642 is inoperative because of the failure to renew it shall be restored upon payment of the
 3643 applicable fee plus a penalty of not more than \$250.00 if said fees are paid within 90 days
 3644 of expiration. After 90 days new certificates and licenses must be applied for as required
 3645 for an initial certificate or license.

3646 25-11-19.

3647 The provisions of this chapter shall not apply to water-based automatic sprinkler systems
 3648 for use in single-family dwellings or limited water-based systems permitted to be
 3649 connected directly to a domestic water supply system as allowed by the NFiPA Life Safety
 3650 Code adopted by the ~~Commissioner's~~ commissioner's rules and regulations.

3651 25-11-20.

3652 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 3653 procedures, and pending and finalized administrative orders of the Safety Fire
 3654 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
 3655 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 3656 superseded, or nullified by the commissioner.

3657 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 3658 previously issued by the Safety Fire Commissioner with respect to any function transferred
 3659 to the Department of Fire Safety shall continue in effect until the same expire by their
 3660 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 3661 law.

3662 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 3663 and obligations and exercise all of the powers formerly held by the Safety Fire
 3664 Commissioner under this chapter."

3665 **PART IX**

3666 **SECTION 9-1.**

3667 Said title is further amended by revising Chapter 12, relating to regulation of fire
 3668 extinguishers and suppression systems, as follows:

3669 "CHAPTER 12

3670 25-12-1.

3671 It is unlawful for any firm to engage in the business of installing, inspecting, recharging,
 3672 repairing, servicing, or testing of portable fire extinguishers or fire suppression systems,
 3673 as defined by this chapter, in this state except in conformity with the provisions of this
 3674 chapter. Each firm engaging in any such business must possess a valid and subsisting
 3675 license issued by the ~~Commissioner~~ commissioner. Such license shall not be required for
 3676 any firm or governmental entity that engages only in installing, inspecting, recharging,
 3677 repairing, servicing, or testing of portable fire extinguishers or fire suppression systems
 3678 owned by the firm and installed on property under the control of said firm. Such firms
 3679 shall remain subject to the rules and regulations adopted pursuant to this chapter.

3680 25-12-2.

3681 As used in this chapter, the term:

3682 (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

3683 (2) 'Engineered fire suppression system' means any fire suppression system having pipe
3684 lengths, number of fittings, number and types of nozzles, suppression agent flow rates,
3685 and nozzle pressures as determined by calculations derived from the appropriate
3686 standards of the National Fire Protection Association, whether those calculations are
3687 performed by hand or by a computer program or by other method of calculation. These
3688 systems may consist of other components, including, but not limited to, detection devices,
3689 alarm devices, and control devices as tested and approved by a nationally recognized
3690 testing laboratory and shall be manufacturer listed as compatible with the fire suppression
3691 system involved.

3692 (3) 'Fire suppression system' means any fire-fighting system employing a suppression
3693 agent with the purpose of controlling, suppressing, or extinguishing a fire in a specific
3694 hazard. The suppression agent shall be a currently recognized agent or water additive
3695 required to control, suppress, or extinguish a fire. The term ~~fire~~ 'fire suppression system
3696 system' shall include engineered and preengineered systems as defined in this chapter and
3697 shall not include those systems addressed in Chapter 11 of this title.

3698 (4) 'Firm' means any business, person, partnership, organization, association,
3699 corporation, contractor, subcontractor, or individual.

3700 (5) 'License' means the document issued by the ~~Commissioner~~ commissioner which
3701 authorizes a firm to engage in the business of installation, repair, alteration, recharging,
3702 inspection, maintenance, service, or testing of fire suppression systems or portable fire
3703 extinguishers.

3704 (6) 'Permit' means the document issued by the ~~Commissioner~~ commissioner which
3705 authorizes an individual to install, inspect, repair, recharge, service, or test fire
3706 suppression systems or portable fire extinguishers.

3707 (7) 'Portable fire extinguisher' means a portable device containing an extinguishing agent
3708 that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.
3709 The device must be listed by a nationally recognized testing laboratory. The device must
3710 bear a manufacturer's name and serial number. The listings, approvals, and serial
3711 numbers may be stamped on the manufacturer's identification and instruction plate or on
3712 a separate plate of the testing laboratory soldered or attached to the extinguisher shell in
3713 a permanent manner set forth by the listing or approving organization.

3714 (8) 'Preengineered fire suppression system' means any system having predetermined flow
3715 rates, nozzle pressures, and quantities of an extinguishing agent. These systems have the
3716 specific pipe size, maximum and minimum pipe lengths, flexible hose specifications,
3717 number of fittings, and number and types of nozzles prescribed by a nationally
3718 recognized testing laboratory. The hazards protected by these systems are specifically
3719 limited as to the type and size by the testing laboratory based upon actual fire tests.

3720 Limitations on hazards that can be protected by these systems are contained in the
3721 manufacturer's installation manual, which is referenced as part of the listing.

3722 25-12-3.

3723 All fire suppression systems required by the ~~Commissioner's~~ commissioner's rules and
3724 regulations or by other state or local fire safety rules or regulations must be installed,
3725 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the
3726 provisions of this chapter, except as otherwise provided by this chapter.

3727 25-12-4.

3728 All portable fire extinguishers required by the ~~Commissioner's~~ commissioner's rules and
3729 regulations or by other state or local fire safety rules or regulations must be installed,
3730 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the
3731 provisions of this chapter, except as otherwise provided by this chapter.

3732 25-12-5.

3733 The provisions of this chapter do not apply to fire chiefs, fire marshals, fire inspectors, or
3734 insurance company inspectors with regard to the routine visual inspection of preengineered
3735 fire suppression systems or portable fire extinguishers.

3736 25-12-6.

3737 (a) The provisions of this chapter do not apply to any firm that engages only in the routine
3738 visual inspection of fire suppression systems or portable fire extinguishers owned by the
3739 firm and installed on property under the control of said firm.

3740 (b) The fees required by this chapter shall not apply to employees of federal, state, or local
3741 governments or to members of legally organized fire departments while acting in their
3742 official capacities.

3743 25-12-7.

3744 Each firm in the business of installing, altering, inspecting, repairing, recharging, servicing,
3745 maintaining, or testing fire suppression systems or in the business of inspecting, repairing,
3746 recharging, servicing, maintaining, or testing portable fire extinguishers is required to
3747 obtain a license from the ~~Commissioner~~ commissioner. The annual fee for said license
3748 shall be as established by the ~~Commissioner~~ commissioner by rule or regulation, but such
3749 license fee shall not exceed \$50.00.

3750 25-12-8.

3751 Each individual actually performing the installing, inspecting, repairing, recharging,
3752 servicing, or testing activities must possess a valid and subsisting permit issued by the
3753 ~~Commissioner~~ commissioner. The annual fee for said permit shall be as established by the
3754 ~~Commissioner~~ commissioner by rule or regulation, but such permit fee shall not exceed
3755 \$75.00. Such permit shall not be required for any individual employed by any firm or
3756 governmental entity that engages only in installing, inspecting, recharging, repairing,
3757 servicing, or testing of portable fire extinguishers or fire suppression systems owned by the
3758 firm and installed on property under the control of said firm. Such individuals shall remain
3759 subject to the rules and regulations adopted pursuant to this chapter.

3760 25-12-9.

3761 The licenses and permits required by this chapter shall be issued by the ~~Commissioner~~
3762 commissioner for each license year beginning January 1 and expiring the following
3763 December 31. The failure to renew a license or permit by December 31 will cause the
3764 license or permit to become inoperative. A license or permit which is inoperative because
3765 of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty
3766 equal to the applicable fee if said fees are paid within 90 days of expiration. After 90 days,
3767 the firm and the employees thereof must apply for new licenses and permits as required for
3768 an initial license or permit.

3769 25-12-10.

3770 The forms of such licenses and permits and applications and fees therefor shall be
3771 prescribed by the ~~Commissioner~~ commissioner by rule or regulation, subject to the
3772 limitations on fees provided for in Code Sections 25-12-7 and 25-12-8. In addition to such
3773 other information and data as the ~~Commissioner~~ commissioner determines are appropriate
3774 and required for such forms, there shall be included in such forms the following matters:

3775 (1) Each such application shall be sworn to by the applicant or, if a corporation, by an
3776 officer thereof;

3777 (2) Each application shall clearly state, in detail as set forth by the ~~Commissioner~~
3778 commissioner, the type of activity or activities for which the applicant desires a license
3779 or permit to perform;

3780 (3) An application for a permit shall include the name of the licensee employing such
3781 permittee, and the permit issued in pursuance of such application shall also set forth the
3782 name of such licensee. For persons covered by Code Section 25-12-8, the application and
3783 permit shall bear the business name of the person's employer; and

3784 (4) The license or permit issued by the ~~Commissioner~~ commissioner shall clearly state
3785 the activity or activities for which the firm or individual has been issued the license or
3786 permit to perform. The licensee or permittee shall not perform any activity not noted on
3787 the license or permit issued by the ~~Commissioner~~ commissioner.

3788 25-12-11.

3789 A license may not be issued by the ~~Commissioner~~ commissioner until:

3790 (1) The applicant has submitted to the ~~Commissioner~~ commissioner evidence of
3791 registration as a Georgia corporation;

3792 (2) The ~~Commissioner~~ commissioner or a person designated by him or her has by
3793 inspection determined that the applicant possesses the equipment required for the
3794 activities the applicant requests to be licensed to perform. If the applicant includes in the
3795 request the high-pressure hydrostatic testing of equipment, the applicant must submit a
3796 copy of its United States Department of Transportation approval and renewals. If the
3797 applicant includes in the request the transfer of Halogenated fire suppression agents, the
3798 applicant must submit a copy of the current Underwriter's Laboratories on-site inspection
3799 form for a manufacturer's represented Halon pumping station. The ~~Commissioner~~
3800 commissioner shall give an applicant 60 days to correct any deficiencies discovered by
3801 inspection;

3802 (3) The applicant has submitted to the ~~Commissioner~~ commissioner proof of a valid
3803 comprehensive liability insurance policy purchased from an insurer authorized to do
3804 business in Georgia. The coverage must include bodily injury and property damage,
3805 products liability, completed operations, and contractual liability. The proof of insurance
3806 must also be provided before any license can be renewed. The minimum amount of said
3807 coverage shall be \$1 million or such other amount as specified by the ~~Commissioner~~
3808 commissioner. An insurer which provides such coverage shall notify the ~~Commissioner~~
3809 commissioner of any change in coverage; and

3810 (4) The applicant, when filing an application for an examination, pays a nonrefundable
3811 filing fee fixed by rule or regulation of the ~~Commissioner~~ commissioner.

3812 25-12-12.

3813 No permit may be issued to a person for the first time by the ~~Commissioner~~ commissioner
3814 until the applicant has submitted a nonrefundable filing fee fixed by rule or regulation of
3815 the ~~Commissioner~~ commissioner.

3816 25-12-13.

3817 (a) Any firm or individual holding a valid license or permit desiring to perform an activity
3818 not covered by the current permit may submit an application for an amended license or
3819 permit at any time between January 1 and the date established by the ~~Commissioner~~
3820 commissioner for filing applications for renewing an annual license or permit.

3821 (b) The provisions of this chapter relating to the requirements for obtaining a license or
3822 permit shall apply to applications for an amended license or permit. The ~~Commissioner~~
3823 commissioner shall by rule or regulation establish the fee for obtaining an amended license
3824 and the fee for an amended permit, but such fees shall not exceed the respective limits set
3825 forth in Code Sections 25-12-7 and 25-12-8.

3826 (c) The fees for an amended license or permit shall not apply if the new activity or
3827 activities are included in an application for a renewal of the annual license or permit. The
3828 application for renewal must be accompanied by the proof of training and other applicable
3829 documentation regarding the activity or activities desired to be included on the new annual
3830 license or permit.

3831 25-12-14.

3832 Every permittee must have a valid and subsisting permit upon his or her person at all times
3833 while engaging in the installing, inspection, recharging, repairing, servicing, or testing of
3834 fire suppression systems or portable fire extinguishers. Every licensee or permittee must
3835 be able to produce a valid license or valid permit, as appropriate, upon demand by the
3836 ~~Commissioner~~ commissioner or his or her representatives or by any local authority having
3837 jurisdiction for fire protection or prevention or by any person for whom the licensee or
3838 permittee solicits to perform any of the activities covered by this chapter.

3839 25-12-15.

3840 The ~~Commissioner~~ commissioner may adopt rules and regulations setting forth the proper
3841 installation, inspection, recharging, repairing, servicing, or testing of fire suppression
3842 systems or portable fire extinguishers. The ~~Commissioner~~ commissioner may adopt by rule
3843 the applicable standards of the National Fire Protection Association or another nationally
3844 recognized organization, if the standards are judged by him or her to be suitable for the
3845 enforcement of this chapter. All fire suppression systems covered by Code Section 25-12-3
3846 and all portable fire extinguishers covered by Code Section 25-12-4 shall be installed,
3847 inspected, recharged, repaired, serviced, or tested in compliance with this chapter and with
3848 the ~~Commissioner's~~ commissioner's rules and regulations.

3849 25-12-16.

3850 The ~~Commissioner~~ commissioner shall make and promulgate specifications as to the
3851 number, type, size, shape, color, and information and data contained thereon of service tags
3852 to be attached to all portable fire extinguishers and fire suppression systems covered by this
3853 chapter when they are installed, inspected, recharged, repaired, serviced, or tested. It shall
3854 be unlawful to install, inspect, recharge, repair, service, or test any portable fire
3855 extinguisher or fire suppression system without attaching the required tag or tags
3856 completed in detail, including the actual month, day, and year the work was performed, or
3857 to use a tag not meeting the specifications set forth by the ~~Commissioner~~ commissioner.

3858 25-12-17.

3859 (a) The violation of any provision of this chapter or any rule or regulation adopted and
3860 promulgated pursuant to this chapter or the failure or refusal to comply with any notice or
3861 order to correct a violation or any cease and desist order by any person who possesses a
3862 license or permit issued pursuant to this chapter or who is required to have a license or
3863 permit issued pursuant to this chapter is cause for denial, nonrenewal, revocation, or
3864 suspension of such license or permit by the ~~Commissioner~~ commissioner after a
3865 determination that such person is guilty of such violations. An order of suspension shall
3866 state the period of time of such suspension, which period may not be in excess of two years
3867 from the date of such order. An order of revocation shall state the period of time of such
3868 revocation, which period may not be in excess of five years from the date of such order.
3869 Such order shall effect suspension or revocation of all licenses and permits then held by the
3870 person, and during such period of time no license or permit shall be issued to such person.
3871 During the suspension or revocation of any license or permit, the licensee or permittee
3872 whose license or permit has been suspended or revoked shall not engage in or attempt or
3873 profess to engage in any transaction or business for which a license or permit is required
3874 under this chapter or directly or indirectly own, control, or be employed in any manner by
3875 any firm, business, or corporation for which a license or permit under this chapter is
3876 required. If, during the period between the beginning of proceedings and the entry of an
3877 order of suspension or revocation by the ~~Commissioner~~ commissioner, a new license or
3878 permit has been issued to the person so charged, the order of suspension or revocation shall
3879 operate to suspend or revoke, as the case may be, such new license or permit held by such
3880 person.

3881 (b) The department shall not, so long as the revocation or suspension remains in effect,
3882 issue any new license or permit for the establishment of any new firm, business, or
3883 corporation of any person or applicant that has or will have the same or similar
3884 management, ownership, control, employees, permittees, or licensees or will use the same

3885 or a similar name as the revoked or suspended firm, business, corporation, person, or
 3886 applicant.

3887 (c) The ~~Commissioner~~ commissioner may deny, nonrenew, suspend, or revoke the license
 3888 or permit of:

3889 (1) Any person, firm, business, or corporation whose license has been suspended or
 3890 revoked under this chapter;

3891 (2) Any firm, business, or corporation if any officer, director, stockholder, owner, or
 3892 person who has a direct or indirect interest in the firm, business, or corporation has had
 3893 his or her license or permit suspended under this chapter; and

3894 (3) Any person who is or has been an officer, director, stockholder, or owner of a firm,
 3895 business, or corporation or who has or had a direct or indirect interest in a firm, business,
 3896 or corporation whose license or permit has been suspended or revoked under this chapter.

3897 (d) In addition to the grounds set forth in this Code section, it is cause for denial,
 3898 nonrenewal, revocation, or suspension of a license or permit by the ~~Commissioner~~
 3899 commissioner if he or she determines that the licensee or permittee has:

3900 (1) Rendered inoperative a portable fire extinguisher or preengineered or engineered fire
 3901 suppression system covered by this chapter, except during such time as the extinguisher
 3902 or preengineered or engineered system is being inspected, recharged, hydrottested,
 3903 repaired, altered, added to, maintained, serviced, or tested or except pursuant to court
 3904 order;

3905 (2) Falsified any record required to be maintained by this chapter or rules or regulations
 3906 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~
 3907 commissioner;

3908 (3) Improperly installed, recharged, hydrottested, repaired, serviced, modified, altered,
 3909 inspected, or tested a portable fire extinguisher or preengineered or engineered fire
 3910 suppression system;

3911 (4) While holding a permit or license, allowed another person to use the permit or license
 3912 or permit number or license number or used a license or permit or license number or
 3913 permit number other than his or her own valid license or permit or license number or
 3914 permit number;

3915 (5) Failed to provide proof of or failed to maintain the minimum comprehensive liability
 3916 insurance coverage as set forth in paragraph (3) of Code Section 25-12-11;

3917 (6) Failed to obtain, retain, or maintain one or more of the qualifications for a license or
 3918 permit required by this chapter;

3919 (7) Used credentials, methods, means, or practices to impersonate a representative of the
 3920 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,
 3921 or other fire authority having jurisdiction;

3922 (8) Installed, recharged, hydrotested, repaired, serviced, modified, altered, inspected,
 3923 maintained, added to, or tested a portable fire extinguisher or preengineered or engineered
 3924 fire suppression system without a current, valid license or permit when such license or
 3925 permit is required by this chapter;

3926 (9) Made a material misstatement or misrepresentation or committed a fraud in obtaining
 3927 or attempting to obtain a license or permit; or

3928 (10) Failed to notify the ~~Commissioner~~ commissioner, in writing, within 30 days after
 3929 a change of residence, principal business address, or name.

3930 (e) In addition, the ~~Commissioner~~ commissioner shall not issue a new license or permit if
 3931 the ~~Commissioner~~ commissioner finds that the circumstance or circumstances for which
 3932 the license or permit was previously suspended or revoked still exist or are likely to recur.

3933 25-12-18.

3934 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any
 3935 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~
 3936 commissioner, his or her deputy, his or her assistant, or other designated persons may issue
 3937 and deliver to the individual an order to cease and desist such violation. An order issued
 3938 under this Code section may be delivered in accordance with the provisions of subsection
 3939 (d) of this Code section.

3940 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
 3941 order is cause for revocation of any or all permits and licenses issued by the ~~Commissioner~~
 3942 commissioner for a period of not less than six months and not to exceed five years. If a
 3943 new permit or license has been issued to the person so charged, the order of revocation
 3944 shall operate effectively with respect to such new permits and licenses held by such person.
 3945 In the case of an applicant for a license, certificate, or permit, violation of any provision
 3946 of this title may constitute grounds for refusal of the application. Decisions under this
 3947 subsection may be appealed as provided by law.

3948 (c) Any person who violates any provision of this chapter or any rule, regulation, or order
 3949 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil
 3950 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first
 3951 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not
 3952 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to
 3953 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~
 3954 commissioner or his or her agent shall give written notice to the person or entity by hand
 3955 delivery or by registered or certified mail or statutory overnight delivery, return receipt
 3956 requested, of the existence of the violations. After a reasonable period of time after notice
 3957 is given, an order may be issued based on this Code section. Such order must be delivered

3958 in accordance with the provisions of subsection (d) of this Code section and must notify
3959 the person or entity of the right to a hearing with respect to same.

3960 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain
3961 or be accompanied by a notice of opportunity for hearing which may provide that a hearing
3962 will be held if and only if a person subject to the order requests a hearing within ten days
3963 of receipt of the order and notice. The order and notice shall be served by delivery by the
3964 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or
3965 statutory overnight delivery, return receipt requested. Any person who fails to comply with
3966 any order under this subsection is guilty of a misdemeanor and may be punished as
3967 provided by law.

3968 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this
3969 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of
3970 any provision of this chapter or of any rule, regulation, or order issued by the
3971 ~~Commissioner~~ commissioner under this chapter.

3972 25-12-19.

3973 (a) Any person, firm, or corporation which violates any provision of this chapter or any
3974 order, rule, or regulation of the ~~Commissioner~~ commissioner shall be guilty of a
3975 misdemeanor.

3976 (b) It shall also constitute a misdemeanor willfully or intentionally to:

3977 (1) Obliterate the serial number on a fire suppression system or portable fire extinguisher
3978 for the purposes of falsifying service records;

3979 (2) Improperly install a fire suppression system or improperly recharge, repair, service,
3980 or test any such suppression system or any such portable fire extinguisher;

3981 (3) While holding a permit or license, allow another person to use the permit or license
3982 or permit number or license number or to use a license or permit or license number or
3983 permit number other than his or her own valid license or permit or license number or
3984 permit number;

3985 (4) Use or permit the use of any license by an individual or organization other than the
3986 one to whom the license is issued;

3987 (5) To use any credential, method, means, or practice to impersonate a representative of
3988 the ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire
3989 marshal, or other fire authority having jurisdiction; or

3990 (6) To engage in the business of installing, inspecting, recharging, repairing, servicing,
3991 or testing portable fire extinguishers or fire suppression systems except in conformity
3992 with the provisions of this chapter and the applicable rules and regulations of the
3993 ~~Commissioner~~ commissioner.

3994 25-12-20.

3995 Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any provision
 3996 of this chapter may be exercised, discharged, or performed by a deputy, assistant, or other
 3997 designated employee acting in the ~~Commissioner's~~ commissioner's name and by his or her
 3998 delegated authority. The ~~Commissioner~~ commissioner shall be responsible for the official
 3999 acts of such persons who act in his or her name and by his or her authority.

4000 25-12-21.

4001 (a) All fees collected by the ~~Commissioner~~ commissioner for licenses, permits, and related
 4002 examinations pursuant to the provisions of this chapter shall be deposited in the general
 4003 fund of this state in accordance with applicable laws of this state.

4004 (b) The ~~Commissioner~~ commissioner is authorized to receive grants or gifts for the
 4005 administration of this chapter from parties interested in upgrading and improving the
 4006 quality of fire protection provided by portable fire extinguishers or fire suppression
 4007 systems.

4008 25-12-22.

4009 (a) Nothing in this chapter limits the power of a municipality, a county, or the state to
 4010 require the submission and approval of plans and specifications or to regulate the quality
 4011 and character of work performed by contractors through a system of permits, fees, and
 4012 inspections otherwise authorized by law for the protection of the public health and safety.

4013 (b) No municipality or county shall impose any other requirements on persons licensed or
 4014 permitted by the ~~Commissioner~~ commissioner as set forth in this chapter to prove
 4015 competency to conduct any activity covered by said license or permit.

4016 25-12-23.

4017 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 4018 procedures, and pending and finalized administrative orders of the Safety Fire
 4019 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
 4020 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 4021 superseded, or nullified by the commissioner.

4022 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 4023 previously issued by the Safety Fire Commissioner with respect to any function transferred
 4024 to the Department of Fire Safety shall continue in effect until the same expire by their
 4025 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 4026 law.

4027 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 4028 and obligations and exercise all of the powers formerly held by the Safety Fire
 4029 Commissioner under this chapter."

4030 **PART X**

4031 **SECTION 10-1.**

4032 Said title is further amended by revising Chapter 14, relating to Georgia fire safety standard
 4033 and firefighter protection, as follows:

4034 "CHAPTER 14

4035 25-14-1.

4036 This chapter shall be known and may be cited as the 'Georgia Fire Safety Standard and
 4037 Firefighter Protection Act.'

4038 25-14-2.

4039 As used in this chapter, the term:

4040 (1) 'Agent' means any person authorized by the state revenue commissioner to purchase
 4041 and affix stamps on packages of cigarettes.

4042 (2) 'Cigarette' means:

4043 (A) Any roll for smoking made wholly or in part of tobacco when the cover of the roll
 4044 is paper or any substance other than tobacco; or

4045 (B) Any roll for smoking wrapped in any substance containing tobacco which, because
 4046 of its appearance, the type of tobacco used in the filler, or its packaging and labeling,
 4047 is likely to be offered to, or purchased by, consumers as a cigarette as described in
 4048 subparagraph (A) of this paragraph.

4049 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4050 (4) 'Manufacturer' means:

4051 (A) Any entity which manufactures, makes, produces, or causes to be produced
 4052 cigarettes sold in this state or cigarettes said entity intends to be sold in this state;

4053 (B) The first purchaser of cigarettes manufactured anywhere that intends to resell such
 4054 cigarettes in this state regardless of whether the original manufacturer, maker, or
 4055 producer intends such cigarettes to be sold in the United States; or

4056 (C) Any entity which becomes a successor of an entity described in subparagraph (A)
 4057 or (B) of this paragraph.

- 4058 (4.1) 'New York Fire Safety Standards for Cigarettes' means those New York Fire Safety
4059 Standards for Cigarettes in effect on April 1, 2008.
- 4060 (5) 'Quality control and quality assurance program' means the laboratory procedures
4061 implemented to ensure that operator bias, systematic and nonsystematic methodological
4062 errors, and equipment related problems do not affect the results of the testing. Such a
4063 program ensures that the testing repeatability remains within the required repeatability
4064 values stated in paragraph (6) of subsection (b) of Code Section 25-14-3 for all test trials
4065 used to certify cigarettes in accordance with this chapter.
- 4066 (6) 'Repeatability' means the range of values within which the repeat results of cigarette
4067 test trials from a single laboratory will fall 95 percent of the time.
- 4068 (7) 'Retail dealer' means any person, other than a manufacturer or wholesale dealer,
4069 engaged in selling cigarettes or tobacco products.
- 4070 (8) 'Sale' means any sale, transfer, exchange, theft, barter, gift, or offer for sale and
4071 distribution in any manner or by any means whatever.
- 4072 (9) 'Sell' means to sell or to offer or agree to do the same.
- 4073 (10) 'Wholesale dealer' means any person that is not a manufacturer who sells cigarettes
4074 or tobacco products to retail dealers or other persons for purposes of resale. A wholesale
4075 dealer is also any person who owns, operates, or maintains one or more cigarette or
4076 tobacco product vending machines in, at, or upon premises owned or occupied by any
4077 other person.
- 4078 25-14-3.
- 4079 (a) Except as provided in subsection (h) of this Code section, no cigarettes may be sold or
4080 offered for sale in this state or offered for sale or sold to persons located in this state unless
4081 the cigarettes have been tested in accordance with the test method and meet the
4082 performance standard specified in this Code section, a written certification has been filed
4083 by the manufacturer in accordance with Code Section 25-14-4, and the cigarettes have been
4084 marked in accordance with Code Section 25-14-5.
- 4085 (b)(1) Testing of cigarettes shall be conducted in accordance with the American Society
4086 of Testing and Materials (ASTM) Standard E2187-04, 'Standard Test Method for
4087 Measuring the Ignition Strength of Cigarettes.'
- 4088 (2) Testing shall be conducted on ten layers of filter paper.
- 4089 (3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this
4090 Code section shall exhibit full-length burns. Forty replicate tests shall comprise a
4091 complete test trial for each cigarette tested.
- 4092 (4) The performance standard required by this Code section shall only be applied to a
4093 complete test trial.

4094 (5) Written certifications shall be based upon testing conducted by a laboratory that has
4095 been accredited pursuant to standard ISO/IEC 17025 of the International Organization
4096 for Standardization (ISO) or other comparable accreditation standard required by the
4097 ~~Commissioner~~ commissioner.

4098 (6) Laboratories conducting testing in accordance with this Code section shall implement
4099 a quality control and quality assurance program that includes a procedure that will
4100 determine the repeatability of the testing results. The repeatability value shall be no
4101 greater than 0.19.

4102 (7) This Code section does not require additional testing if cigarettes are tested consistent
4103 with this chapter for any other purpose.

4104 (8) Testing performed or sponsored by the ~~Commissioner~~ commissioner to determine a
4105 cigarette's compliance with the performance standard required shall be conducted in
4106 accordance with this Code section.

4107 (c) Each cigarette listed in a certification submitted pursuant to Code Section 25-14-4 that
4108 uses lowered permeability bands in the cigarette paper to achieve compliance with the
4109 performance standard set forth in this Code section shall have at least two nominally
4110 identical bands on the paper surrounding the tobacco column. At least one complete band
4111 shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes
4112 on which the bands are positioned by design, there shall be at least two bands fully located
4113 at least 15 millimeters from the lighting end and ten millimeters from the filter end of the
4114 tobacco column, or ten millimeters from the labeled end of the tobacco column for
4115 nonfiltered cigarettes.

4116 (d) A manufacturer of a cigarette that the ~~Commissioner~~ commissioner determines cannot
4117 be tested in accordance with the test method prescribed in paragraph (1) of subsection (b)
4118 of this Code section shall propose a test method and performance standard for the cigarette
4119 to the ~~Commissioner~~ commissioner. Upon approval of the proposed test method and a
4120 determination by the ~~Commissioner~~ commissioner that the performance standard proposed
4121 by the manufacturer is equivalent to the performance standard prescribed in paragraph (3)
4122 of subsection (b) of this Code section, the manufacturer may employ such test method and
4123 performance standard to certify such cigarette pursuant to Code Section 25-14-4. If the
4124 ~~Commissioner~~ commissioner determines that another state has enacted reduced cigarette
4125 ignition propensity standards that include a test method and performance standard that are
4126 the same as those contained in this chapter, and the ~~Commissioner~~ commissioner finds that
4127 the officials responsible for implementing those requirements have approved the proposed
4128 alternative test method and performance standard for a particular cigarette proposed by a
4129 manufacturer as meeting the fire safety standards of that state's law or regulation under a
4130 legal provision comparable to this Code section, then the ~~Commissioner~~ commissioner

4131 shall authorize that manufacturer to employ the alternative test method and performance
4132 standard to certify that cigarette for sale in this state, unless the ~~Commissioner~~
4133 commissioner demonstrates a reasonable basis why the alternative test should not be
4134 accepted under this chapter. All other applicable requirements of this Code section shall
4135 apply to the manufacturer.

4136 (e) Each manufacturer shall maintain copies of the reports of all tests conducted on all
4137 cigarettes offered for sale for a period of three years, and shall make copies of these reports
4138 available to the ~~Commissioner~~ commissioner and the Attorney General upon written
4139 request. Any manufacturer who fails to make copies of these reports available within 60
4140 days of receiving a written request shall be subject to a civil penalty not to exceed
4141 \$10,000.00 for each day after the sixtieth day that the manufacturer does not make such
4142 copies available.

4143 (f) The ~~Commissioner~~ commissioner may adopt a subsequent ASTM Standard Test
4144 Method for Measuring the Ignition Strength of Cigarettes upon a finding that such
4145 subsequent method does not result in a change in the percentage of full-length burns
4146 exhibited by any tested cigarette when compared to the percentage of full-length burns the
4147 same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04
4148 and the performance standard in paragraph (3) of subsection (b) of this Code section.

4149 (g) The ~~Commissioner~~ commissioner shall review the effectiveness of this Code section
4150 and report his or her findings every three years to the General Assembly and, if appropriate,
4151 recommendations for legislation to improve the effectiveness of this chapter. The report
4152 and legislative recommendations shall be submitted no later than June 30 following the
4153 conclusion of each three-year period.

4154 (h) The requirements of subsection (a) of this Code section shall not prohibit:

4155 (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or
4156 after January 1, 2010, if the wholesale or retailer dealer can establish that state tax stamps
4157 were affixed to the cigarettes prior to January 1, 2010, and if the wholesale or retailer
4158 dealer can establish that the inventory was purchased prior to January 1, 2010, in
4159 comparable quantity to the inventory purchased during the same period of the prior year;
4160 or

4161 (2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this
4162 paragraph, the term 'consumer testing' shall mean an assessment of cigarettes that is
4163 conducted by a manufacturer, or under the control and direction of a manufacturer, for
4164 the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the
4165 quantity of cigarettes that is reasonably necessary for such assessment.

4166 (i) This chapter shall be implemented in accordance with the implementation and
4167 substance of the New York Fire Safety Standards for Cigarettes.

- 4168 25-14-4.
- 4169 (a) Each manufacturer shall submit to the ~~Commissioner~~ commissioner a written
4170 certification attesting that:
- 4171 (1) Each cigarette listed in the certification has been tested in accordance with Code
4172 Section 25-14-3; and
- 4173 (2) Each cigarette listed in the certification meets the performance standard set forth in
4174 paragraph (3) of subsection (b) of Code Section 25-14-3.
- 4175 (b) Each cigarette listed in the certification shall be described with the following
4176 information:
- 4177 (1) Brand or trade name on the package;
- 4178 (2) Style, such as light or ultra light;
- 4179 (3) Length in millimeters;
- 4180 (4) Circumference in millimeters;
- 4181 (5) Flavor, such as menthol or chocolate, if applicable;
- 4182 (6) Filter or nonfilter;
- 4183 (7) Package description, such as soft pack or box;
- 4184 (8) Marking approved in accordance with Code Section 25-14-5;
- 4185 (9) The name, address, and telephone number of the laboratory, if different from the
4186 manufacturer that conducted the test; and
- 4187 (10) The date that the testing occurred.
- 4188 (c) The certifications shall also be made available to the Attorney General for purposes
4189 consistent with this chapter and to the state revenue commissioner for the purposes of
4190 ensuring compliance with this Code section.
- 4191 (d) Each cigarette certified under this Code section shall be recertified every three years.
- 4192 (e) For each cigarette listed in a certification, a manufacturer shall pay to the
4193 ~~Commissioner~~ commissioner a fee of \$250.00.
- 4194 (f) If a manufacturer has certified a cigarette pursuant to this Code section and thereafter
4195 makes any change to such cigarette that is likely to alter its compliance with the reduced
4196 cigarette ignition propensity standards required by this chapter, that cigarette shall not be
4197 sold or offered for sale in this state until the manufacturer retests the cigarette in
4198 accordance with the testing standards set forth in Code Section 25-14-3 and maintains
4199 records of that retesting as required by Code Section 25-14-3. Any altered cigarette which
4200 does not meet the performance standard set forth in Code Section 25-14-3 shall not be sold
4201 in this state.

4202 25-14-5.

4203 (a) Cigarettes that are certified by a manufacturer in accordance with Code
 4204 Section 25-14-4 shall be marked to indicate compliance with the requirements of Code
 4205 Section 25-14-3. The marking shall be in eight-point type or larger and consist of:

4206 (1) Modification of the Universal Product Code to include a visible mark printed at or
 4207 around the area of the Universal Product Code. The mark may consist of alphanumeric
 4208 or symbolic characters permanently stamped, engraved, embossed, or printed in
 4209 conjunction with the Universal Product Code;

4210 (2) Any visible combination of alphanumeric or symbolic characters permanently
 4211 stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap; or

4212 (3) Printed, stamped, engraved, or embossed text on the cigarette packaging or
 4213 cellophane wrap that indicates that the cigarettes meet Georgia standards.

4214 (b) A manufacturer shall use only one marking and shall apply this marking uniformly for
 4215 all packages, including but not limited to packs, cartons, and cases, and brands marketed
 4216 by that manufacturer.

4217 (c) The ~~Commissioner~~ commissioner shall be notified as to the marking that is selected.

4218 (d) Prior to the certification of any cigarette, a manufacturer shall present its proposed
 4219 marking to the ~~Commissioner~~ commissioner for approval. Upon receipt of the request, the
 4220 ~~Commissioner~~ commissioner shall approve or disapprove the marking offered. The
 4221 ~~Commissioner~~ commissioner shall approve:

4222 (1) Any marking in use and approved for sale in New York pursuant to the New York
 4223 Fire Safety Standards for Cigarettes; or

4224 (2) The letters 'FSC,' which signifies Fire Standards Compliant, appearing in eight-point
 4225 type or larger and permanently printed, stamped, engraved, or embossed on the package
 4226 at or near the Universal Product Code.

4227 Proposed markings shall be deemed approved if the ~~Commissioner~~ commissioner fails to
 4228 act within ten business days of receiving a request for approval.

4229 (e) No manufacturer shall modify its approved marking unless the modification has been
 4230 approved by the ~~Commissioner~~ commissioner in accordance with this Code section.

4231 (f) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall
 4232 provide a copy of the certifications to all wholesale dealers and agents to which they sell
 4233 cigarettes and shall also provide sufficient copies of an illustration of the package marking
 4234 utilized by the manufacturer pursuant to this Code section for each retail dealer to which
 4235 the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide
 4236 a copy of these package markings received from manufacturers to all retail dealers to which
 4237 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the
 4238 ~~Commissioner~~ commissioner, the state revenue commissioner, the Attorney General, and

4239 their employees to inspect markings of cigarette packaging marked in accordance with this
4240 Code section.

4241 25-14-6.

4242 (a) A manufacturer, wholesale dealer, agent, or any other person or entity who knowingly
4243 sells or offers to sell cigarettes, other than through retail sale, in violation of Code
4244 Section 25-14-3, for a first offense shall be subject to a civil penalty not to exceed \$100.00
4245 ~~dollars~~ for each pack of such cigarettes sold or offered for sale, provided that in no case
4246 shall the penalty against any such person or entity exceed \$100,000.00 during any 30 day
4247 period.

4248 (b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of Code
4249 Section 25-14-3 shall be subject to a civil penalty not to exceed \$100.00 for each pack of
4250 such cigarettes, provided that in no case shall the penalty against any retail dealer exceed
4251 \$25,000.00 during any 30 day period.

4252 (c) In addition to any penalty prescribed by law, any corporation, partnership, sole
4253 proprietor, limited partnership, or association engaged in the manufacture of cigarettes that
4254 knowingly makes a false certification pursuant to Code Section 25-14-4 shall be subject
4255 to a civil penalty of at least \$75,000.00 and not to exceed \$250,000.00 for each such false
4256 certification.

4257 (d) Any person violating any other provision in this chapter shall be subject to a civil
4258 penalty for a first offense not to exceed \$1,000.00, and for a subsequent offense subject to
4259 a civil penalty not to exceed \$5,000.00, for each such violation.

4260 (e) Any cigarettes that have been sold or offered for sale that do not comply with the
4261 performance standard required by Code Section 25-14-3 shall be subject to forfeiture and,
4262 upon forfeiture, shall be destroyed; provided, however, that prior to the destruction of any
4263 cigarette pursuant to this Code section, the true holder of the trademark rights in the
4264 cigarette brand shall be permitted to inspect the cigarette.

4265 (f) In addition to any other remedy provided by law, the ~~Commissioner~~ commissioner or
4266 Attorney General may file an action in superior court for a violation of this chapter,
4267 including petitioning for injunctive relief or to recover any costs or damages suffered by
4268 the state because of a violation of this chapter, including enforcement costs relating to the
4269 specific violation and attorney's fees. Each violation of this chapter or of rules or
4270 regulations adopted under this chapter constitutes a separate civil violation for which the
4271 ~~Commissioner~~ commissioner or Attorney General may obtain relief.

4272 (g) Whenever any law enforcement personnel or duly authorized representative of the
4273 ~~Commissioner~~ commissioner or Attorney General shall discover any cigarettes that have
4274 not been marked in the manner required under Code Section 25-14-5, such personnel are

4275 hereby authorized and empowered to seize and take possession of such cigarettes. Such
4276 cigarettes shall be turned over to the state revenue commissioner and shall be forfeited to
4277 the state. Cigarettes seized pursuant to this subsection shall be destroyed; provided,
4278 however, that prior to the destruction of any cigarette seized pursuant to this subsection,
4279 the true holder of the trademark rights in the cigarette brand shall be permitted to inspect
4280 the cigarette.

4281 25-14-7.

4282 (a) The ~~Commissioner~~ commissioner may promulgate rules and regulations, pursuant to
4283 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' necessary to effectuate
4284 the purposes of this chapter.

4285 (b) The state revenue commissioner in the regular course of conducting inspections of
4286 wholesale dealers, agents, and retail dealers, as authorized under Chapter 11 of Title 48,
4287 may inspect such cigarettes to determine if the cigarettes are marked as required by Code
4288 Section 25-14-5. If the cigarettes are not marked as required, the state revenue
4289 commissioner shall notify the ~~Commissioner~~ commissioner.

4290 25-14-8.

4291 To enforce the provisions of this chapter, the Attorney General and the ~~Commissioner~~
4292 commissioner, their duly authorized representatives, and other law enforcement personnel
4293 shall be authorized to examine the books, papers, invoices, and other records of any person
4294 in possession, control, or occupancy of any premises where cigarettes are placed, stored,
4295 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person
4296 in the possession, control, or occupancy of any premises where cigarettes are placed, sold,
4297 or offered for sale shall be directed and required to give the Attorney General and the
4298 ~~Commissioner~~ commissioner, their duly authorized representatives, and other law
4299 enforcement personnel the means, facilities, and opportunity for the examinations
4300 authorized by this Code section.

4301 25-14-9.

4302 Nothing in this chapter shall be construed to prohibit any person or entity from
4303 manufacturing or selling cigarettes that do not meet the requirements of Code
4304 Section 25-14-3 if the cigarettes are not for sale in this state or are packaged for sale
4305 outside the United States, and that person or entity has taken reasonable steps to ensure that
4306 such cigarettes will not be sold or offered for sale to persons located in this state.

4307 25-14-10.

4308 This chapter shall cease to be applicable if federal reduced cigarette ignition propensity
4309 standards that preempt this chapter are enacted.

4310 25-14-11.

4311 If, after the date specified in paragraph (4.1) of Code Section 25-14-2, the New York safety
4312 standards are changed, then the ~~Commissioner~~ commissioner shall suggest proposed
4313 legislation to the chairpersons of the appropriate standing committees of the General
4314 Assembly as designated by the presiding officer of each house. Such proposed legislation
4315 shall contain provisions necessary to bring paragraph (4.1) of Code Section 25-14-2 into
4316 accordance with the New York safety standards.

4317 25-14-12.

4318 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
4319 procedures, and pending and finalized administrative orders of the Safety Fire
4320 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
4321 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
4322 superseded, or nullified by the commissioner.

4323 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
4324 previously issued by the Safety Fire Commissioner with respect to any function transferred
4325 to the Department of Fire Safety shall continue in effect until the same expire by their
4326 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
4327 law.

4328 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
4329 and obligations and exercise all of the powers formerly held by the Safety Fire
4330 Commissioner under this chapter."

4331

PART XI

4332

SECTION 11-1.

4333 Said title is further amended by revising Chapter 15, relating to other safety inspections and
4334 regulations, as follows:

"CHAPTER 15

ARTICLE 1

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25-15-1.

~~(a) The office of Safety Fire Commissioner shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Labor in effect on June 30, 2012, or scheduled to go into effect on or after July 1, 2012, and which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Labor in effect on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper authority or as otherwise provided by law.~~

~~(b) Any proceedings or other matters pending before the Department of Labor or Commissioner of Labor on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall be transferred to the office of Safety Fire Commissioner on July 1, 2012.~~

~~(c) The rights, privileges, entitlements, obligations, and duties of parties to contracts, leases, agreements, and other transactions as identified by the Office of Planning and Budget entered into before July 1, 2012, by the Department of Labor which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall continue to exist, and none of these rights, privileges, entitlements, obligations, and duties are impaired or diminished by reason of the transfer of the functions to the office of Safety Fire Commissioner. In all such instances, the office of Safety Fire Commissioner shall be substituted for the Department of Labor, and the office of Safety Fire Commissioner shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.~~

~~(d) All persons employed by the Department of Labor in capacities which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 on June 30, 2012, shall, on July 1, 2012, become employees of the office of Safety Fire Commissioner in similar capacities, as determined by the Commissioner of Insurance. Such employees shall be subject to the employment practices and policies of the office of Safety Fire Commissioner on and after July 1, 2012, but the compensation and benefits of such transferred employees shall not be reduced as~~

4371 ~~a result of such transfer. Employees who are subject to the rules of the State Personnel~~
 4372 ~~Board and who are transferred to the office shall retain all existing rights under such rules.~~
 4373 ~~Accrued annual and sick leave possessed by the transferred employees on June 30, 2012,~~
 4374 ~~shall be retained by such employees as employees of the office of Safety Fire~~
 4375 ~~Commissioner.~~

4376 ~~(e) On July 1, 2012, the office of Safety Fire Commissioner shall receive custody of the~~
 4377 ~~state owned real property in the custody of the Department of Labor on June 30, 2012, and~~
 4378 ~~which pertains to the functions transferred to the office of Safety Fire Commissioner~~
 4379 ~~pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8.~~

4380 ~~(f) The Safety Fire Commissioner shall provide a report to the House Committee on~~
 4381 ~~Governmental Affairs and the Senate Government Oversight Committee prior to the first~~
 4382 ~~day of the 2013 regular session of the Georgia General Assembly outlining the effects and~~
 4383 ~~results of this Code section and providing information on any problems or concerns with~~
 4384 ~~respect to the implementation of this Code section. Reserved.~~

4385 ARTICLE 2

4386 25-15-10.

4387 This article shall be known and may be cited as the 'Boiler and Pressure Vessel Safety Act'
 4388 and, except as otherwise provided in this article, shall apply to all boilers and pressure
 4389 vessels.

4390 25-15-11.

4391 As used in this article, the term:

4392 (1) 'Boiler' means a closed vessel in which water or other liquid is heated, steam or vapor
 4393 is generated, or steam is superheated or in which any combination of these functions is
 4394 accomplished, under pressure or vacuum, for use externally to itself, by the direct
 4395 application of energy from the combustion of fuels or from electricity, solar, or nuclear
 4396 energy. The term 'boiler' shall include fired units for heating or vaporizing liquids other
 4397 than water where these units are separate from processing systems and are complete
 4398 within themselves. The term 'boiler' is further defined as follows:

4399 (A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding
 4400 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or
 4401 temperatures not exceeding 250 degrees Fahrenheit.

4402 (B) 'High pressure, high temperature water boiler' means a water boiler operating at
 4403 pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

4404 (C) 'Power boiler' means a boiler in which steam or other vapor is generated at a
4405 pressure of more than 15 psig.

4406 (2) 'Certificate of inspection' means an inspection, the report of which is used by the
4407 chief inspector to determine whether or not a certificate as provided by subsection (c) of
4408 Code Section 25-15-24 may be issued.

4409 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4410 (4) '~~Office~~ Department' means the ~~office of Safety Fire Commissioner~~ Department of
4411 Fire Safety.

4412 (5) 'Pressure vessel' means a vessel other than those vessels defined in paragraph (1) of
4413 this Code section in which the pressure is obtained from an external source or by the
4414 application of heat.

4415 25-15-12.

4416 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
4417 knowledgeable in the areas of construction, use, or safety of boilers and pressure vessels
4418 and to create committees composed of such consultants to assist the ~~Commissioner~~
4419 commissioner in carrying out his or her duties under this article.

4420 25-15-13.

4421 (a)(1) The ~~office~~ department shall formulate definitions, rules, and regulations for the
4422 safe construction, installation, inspection, maintenance, and repair of boilers and pressure
4423 vessels in this state.

4424 (2) The definitions, rules, and regulations so formulated for new construction shall be
4425 based upon and at all times follow the generally accepted nation-wide engineering
4426 standards, formulas, and practices established and pertaining to boiler and pressure vessel
4427 construction and safety; and the ~~office~~ department may adopt an existing published
4428 codification thereof, known as the Boiler and Pressure Vessel Code of the American
4429 Society of Mechanical Engineers, with the amendments and interpretations thereto made
4430 and approved by the council of the society, and may likewise adopt the amendments and
4431 interpretations subsequently made and published by the same authority. When so
4432 adopted, the same shall be deemed to be incorporated into and shall constitute a part of
4433 the whole of the definitions, rules, and regulations of the ~~office~~ department. Amendments
4434 and interpretations to the code so adopted shall be effective immediately upon being
4435 promulgated, to the end that the definitions, rules, and regulations shall at all times follow
4436 the generally accepted nation-wide engineering standards.

4437 (3) The ~~office~~ department shall formulate the rules and regulations for the inspection,
4438 maintenance, and repair of boilers and pressure vessels which were in use in this state

4439 prior to the date upon which the first rules and regulations under this article pertaining
4440 to existing installations become effective or during the 12 month period immediately
4441 thereafter. The rules and regulations so formulated shall be based upon and at all times
4442 follow generally accepted nation-wide engineering standards and practices and may adopt
4443 sections of the Inspection Code of the National Board of Boiler and Pressure Vessel
4444 Inspectors or API 510 of the American Petroleum Institute, as applicable.

4445 (b) The rules and regulations and any subsequent amendments thereto formulated by the
4446 ~~office~~ department shall, immediately following a hearing upon not less than 20 days' notice
4447 as provided in this article, be approved and published and when so promulgated shall have
4448 the force and effect of law, except that the rules applying to the construction of new boilers
4449 and pressure vessels shall not become mandatory until 12 months after their promulgation
4450 by the ~~office~~ department. Notice of the hearing shall give the time and place of the hearing
4451 and shall state the matters to be considered at the hearing. Such notice shall be given to all
4452 persons directly affected by such hearing. In the event all persons directly affected are
4453 unknown, notice may be perfected by publication in a newspaper of general circulation in
4454 this state at least 20 days prior to such hearing.

4455 (c) Subsequent amendments to the rules and regulations adopted by the ~~office~~ department
4456 shall be permissive immediately and shall become mandatory 12 months after their
4457 promulgation.

4458 25-15-14.

4459 No boiler or pressure vessel which does not conform to the rules and regulations of the
4460 ~~office~~ department governing new construction and installation shall be installed and
4461 operated in this state after 12 months from the date upon which the first rules and
4462 regulations under this article pertaining to new construction and installation shall have
4463 become effective, unless the boiler or pressure vessel is of special design or construction
4464 and is not inconsistent with the spirit and safety objectives of such rules and regulations,
4465 in which case a special installation and operating permit may at its discretion be granted
4466 by the ~~office~~ department.

4467 25-15-15.

4468 (a) The maximum allowable working pressure of a boiler carrying the ASME Code
4469 symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be
4470 determined by the applicable sections of the code under which it was constructed and
4471 stamped. Subject to the concurrence of the enforcement authority at the point of
4472 installation, such a boiler or pressure vessel may be rerated in accordance with the rules of

4473 a later edition of the ASME Code and in accordance with the rules of the National Board
4474 Inspection Code or API 510, as applicable.

4475 (b) The maximum allowable working pressure of a boiler or pressure vessel which does
4476 not carry the ASME or the API-ASME Code symbol shall be computed in accordance with
4477 the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

4478 (c) This article shall not be construed as in any way preventing the use, sale, or
4479 reinstallation of a boiler or pressure vessel referred to in this Code section, provided that
4480 it has been made to conform to the rules and regulations of the office governing existing
4481 installations; and provided, further, that it has not been found upon inspection to be in an
4482 unsafe condition.

4483 25-15-16.

4484 (a) This article shall not apply to the following boilers and pressure vessels:

4485 (1) Boilers and pressure vessels under federal control or under regulations of 49 C.F.R.
4486 192 and 193;

4487 (2) Pressure vessels used for transportation and storage of compressed or liquefied gases
4488 when constructed in compliance with specifications of the United States Department of
4489 Transportation and when charged with gas or liquid, marked, maintained, and
4490 periodically requalified for use, as required by appropriate regulations of the United
4491 States Department of Transportation;

4492 (3) Pressure vessels located on vehicles operating under the rules of other state or federal
4493 authorities and used for carrying passengers or freight;

4494 (4) Air tanks installed on the right of way of railroads and used directly in the operation
4495 of trains;

4496 (5) Pressure vessels that do not exceed:

4497 (A) Five cubic feet in volume and 250 psig pressure; or

4498 (B) One and one-half cubic feet in volume and 600 psig pressure; or

4499 (C) An inside diameter of six inches with no limitation on pressure;

4500 (6) Pressure vessels having an internal or external working pressure not exceeding 15
4501 psig with no limit on size;

4502 (7) Pressure vessels with a nominal water-containing capacity of 120 gallons or less for
4503 containing water under pressure, including those containing air, the compression of which
4504 serves only as a cushion;

4505 (8) Pressure vessels containing water heated by steam or any other indirect means when
4506 none of the following limitations are exceeded:

4507 (A) A heat input of 200,000 BTU per hour;

4508 (B) A water temperature of 210 degrees Fahrenheit; and

- 4509 (C) A nominal water-containing capacity of 120 gallons;
- 4510 (9) Hot water supply boilers which are directly fired with oil, gas, or electricity when
- 4511 none of the following limitations are exceeded:
- 4512 (A) Heat input of 200,000 BTU per hour;
- 4513 (B) Water temperature of 210 degrees Fahrenheit; and
- 4514 (C) Nominal water-containing capacity of 120 gallons.
- 4515 These exempt hot water supply boilers shall be equipped with ASME-National Board
- 4516 approved safety relief valves;
- 4517 (10) Pressure vessels in the care, custody, and control of research facilities and used
- 4518 solely for research purposes which require one or more details of noncode construction
- 4519 or which involve destruction or reduced life expectancy of those vessels;
- 4520 (11) Pressure vessels or other structures or components that are not considered to be
- 4521 within the scope of ASME Code, Section VIII;
- 4522 (12) Boilers and pressure vessels operated and maintained for the production and
- 4523 generation of electricity; provided, however, that any person, firm, partnership, or
- 4524 corporation operating such a boiler or pressure vessel has insurance or is self-insured and
- 4525 such boiler or pressure vessel is regularly inspected in accordance with the minimum
- 4526 requirements for safety as defined in the ASME Code by an inspector who has been
- 4527 issued a certificate of competency by the ~~Commissioner~~ commissioner in accordance
- 4528 with the provisions of Code Section 25-15-19;
- 4529 (13) Boilers and pressure vessels operated and maintained as a part of a manufacturing
- 4530 process; provided, however, that any person, firm, partnership, or corporation operating
- 4531 such a boiler or pressure vessel has insurance or is self-insured and such boiler or
- 4532 pressure vessel is regularly inspected in accordance with the minimum requirements for
- 4533 safety as defined in the ASME Code by an inspector who has been issued a certificate of
- 4534 competency by the ~~Commissioner~~ commissioner in accordance with the provisions of
- 4535 Code Section 25-15-19;
- 4536 (14) Boilers and pressure vessels operated and maintained by a public utility; and
- 4537 (15) Autoclaves used only for the sterilization of reusable medical or dental implements
- 4538 in the place of business of any professional licensed by the laws of this state.
- 4539 (b) The following boilers and pressure vessels shall be exempt from the requirements of
- 4540 subsections (b), (c), and (d) of Code Section 25-15-23 and Code Sections 25-15-24 and
- 4541 25-15-26:
- 4542 (1) Boilers or pressure vessels located on farms and used solely for agricultural or
- 4543 horticultural purposes;
- 4544 (2) Heating boilers or pressure vessels which are located in private residences or in
- 4545 apartment houses of less than six family units;

- 4546 (3) Any pressure vessel used as an external part of an electrical circuit breaker or
 4547 transformer;
- 4548 (4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than
 4549 ten buildings intended for human occupancy per 0.25 square mile and where the closest
 4550 building is at least 220 yards from any vessel;
- 4551 (5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the
 4552 state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas,
 4553 2,000 gallons or above, which have been modified or altered; and
- 4554 (6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig
 4555 pressure.

4556 25-15-17.

4557 (a) The ~~Commissioner~~ commissioner may appoint to be chief inspector a citizen of this
 4558 state or, if not available, a citizen of another state, who shall have had at the time of such
 4559 appointment not less than five years' experience in the construction, installation, inspection,
 4560 operation, maintenance, or repair of high pressure boilers and pressure vessels as a
 4561 mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who
 4562 shall have passed the same kind of examination as that prescribed under Code Section
 4563 25-15-20. Such chief inspector may be removed for cause after due investigation by the
 4564 ~~Commissioner~~ commissioner.

4565 (b) The chief inspector, if authorized by the ~~Commissioner~~ commissioner, is charged,
 4566 directed, and empowered:

4567 (1) To take action necessary for the enforcement of the laws of this state governing the
 4568 use of boilers and pressure vessels to which this article applies and of the rules and
 4569 regulations of the ~~office~~ department;

4570 (2) To keep a complete record of the name of each owner or user and his or her location
 4571 and, except for pressure vessels covered by an owner or user inspection service, the type,
 4572 dimensions, maximum allowable working pressure, age, and the last recorded inspection
 4573 of all boilers and pressure vessels to which this article applies;

4574 (3) To publish in print or electronically and make available to anyone requesting them
 4575 copies of the rules and regulations promulgated by the ~~office~~ department;

4576 (4) To issue or to suspend or revoke for cause inspection certificates as provided for in
 4577 Code Section 25-15-24; and

4578 (5) To cause the prosecution of all violators of the provisions of this article.

4579 25-15-18.

4580 The ~~Commissioner~~ commissioner may employ deputy inspectors who shall be responsible
4581 to the chief inspector and who shall have had at the time of appointment not less than three
4582 years' experience in the construction, installation, inspection, operation, maintenance, or
4583 repair of high pressure boilers and pressure vessels as a mechanical engineer, steam
4584 operating engineer, boilermaker, or boiler inspector and who shall have passed the
4585 examination provided for in Code Section 25-15-20.

4586 25-15-19.

4587 (a) In addition to the deputy inspectors authorized by Code Section 25-15-18 the
4588 ~~Commissioner~~ commissioner shall, upon the request of any company licensed to insure and
4589 insuring in this state boilers and pressure vessels or upon the request of any company
4590 operating pressure vessels in this state for which the owner or user maintains a regularly
4591 established inspection service which is under the supervision of one or more technically
4592 competent individuals whose qualifications are satisfactory to the ~~office~~ department and
4593 causes such pressure vessels to be regularly inspected and rated by such inspection service
4594 in accordance with applicable provisions of the rules and regulations adopted by the ~~office~~
4595 department pursuant to Code Section 25-15-13, issue to any inspectors of such insurance
4596 company certificates of competency as special inspectors and to any inspectors of such
4597 company operating pressure vessels certificates of competency as owner or user inspectors,
4598 provided that each such inspector before receiving his or her certificate of competency shall
4599 satisfactorily pass the examination provided for by Code Section 25-15-20 or, in lieu of
4600 such examination, shall hold a commission or a certificate of competency as an inspector
4601 of boilers or pressure vessels for a state that has a standard of examination substantially
4602 equal to that of this state or a commission as an inspector of boilers and pressure vessels
4603 issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of
4604 competency as an owner or user inspector shall be issued to an inspector of a company
4605 operating pressure vessels in this state only if, in addition to meeting the requirements
4606 stated in this Code section, the inspector is employed full time by the company and is
4607 responsible for making inspections of pressure vessels used or to be used by such company
4608 and which are not for resale.

4609 (b) Such special inspectors or owner or user inspectors shall receive no salary from nor
4610 shall any of their expenses be paid by the state, and the continuance of their certificates of
4611 competency shall be conditioned upon their continuing in the employ of the boiler
4612 insurance company duly authorized or in the employ of the company so operating pressure
4613 vessels in this state and upon their maintenance of the standards imposed by this article.

4614 (c) Such special inspectors or owner or user inspectors may inspect all boilers and pressure
4615 vessels insured or all pressure vessels operated by their respective companies; and, when
4616 so inspected, the owners and users of such boilers and pressure vessels shall be exempt
4617 from the payment to the state of the inspection fees as prescribed in rules and regulations
4618 promulgated by the ~~Commissioner~~ commissioner.

4619 25-15-20.

4620 The examination for chief, deputy, special, or owner or user inspectors shall be in writing
4621 and shall be held by the ~~office~~ department or by an examining board appointed in
4622 accordance with the requirements of the National Board of Boiler and Pressure Vessel
4623 Inspectors, with at least two members present at all times during the examination. Such
4624 examination shall be confined to questions the answers to which will aid in determining the
4625 fitness and competency of the applicant for the intended service and may be those prepared
4626 by the National Board of Boiler and Pressure Vessel Inspectors. In case an applicant fails
4627 to pass the examination, he or she may appeal to the ~~office~~ department for another
4628 examination which shall be given by the ~~office~~ department or the appointed examining
4629 board after 90 days. The record of an applicant's examination shall be accessible to the
4630 applicant and his or her employer.

4631 25-15-21.

4632 (a) An inspector's certificate of competency may be suspended by the ~~Commissioner~~
4633 commissioner after due investigation for the incompetence or untrustworthiness of the
4634 holder thereof or for willful falsification of any matter or statement contained in his or her
4635 application or in a report of any inspection made by him or her. Written notice of any such
4636 suspension shall be given by the ~~Commissioner~~ commissioner within not more than ten
4637 days thereof to the inspector and his or her employer. A person whose certificate of
4638 competency has been suspended shall be entitled to an appeal as provided in Code Section
4639 25-15-28 and to be present in person and to be represented by counsel at the hearing of the
4640 appeal.

4641 (b) If the ~~office~~ department has reason to believe that an inspector is no longer qualified
4642 to hold his or her certificate of competency, the ~~office~~ department shall provide written
4643 notice to the inspector and his or her employer of the ~~office's~~ department's determination
4644 and the right to an appeal as provided in Code Section 25-15-28. If, as a result of such
4645 hearing, the inspector has been determined to be no longer qualified to hold his or her
4646 certificate of competency, the ~~Commissioner~~ commissioner shall thereupon revoke such
4647 certificate of competency forthwith.

4648 (c) A person whose certificate of competency has been suspended shall be entitled to
 4649 apply, after 90 days from the date of such suspension, for reinstatement of such certificate
 4650 of competency.

4651 25-15-22.

4652 If a certificate of competency is lost or destroyed, a new certificate of competency shall be
 4653 issued in its place without another examination.

4654 25-15-23.

4655 (a) The ~~Commissioner~~ commissioner, the chief inspector, or any deputy inspector shall
 4656 have free access, during reasonable hours, to any premises in this state where a boiler or
 4657 pressure vessel is being constructed for use in, or is being installed in, this state for the
 4658 purpose of ascertaining whether such boiler or pressure vessel is being constructed and
 4659 installed in accordance with the provisions of this article.

4660 (b)(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to
 4661 be used within this state, except for pressure vessels covered by an owner or user
 4662 inspection service as described in subsection (d) of this Code section or except for boilers
 4663 or pressure vessels exempt under Code Section 25-15-16 (owners and users may request
 4664 to waive this exemption), shall be thoroughly inspected as to their construction,
 4665 installation, and condition as follows:

4666 (A) Power boilers and high pressure, high temperature water boilers shall receive a
 4667 certificate inspection annually which shall be an internal inspection where construction
 4668 permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall
 4669 also be externally inspected while under pressure, if possible;

4670 (B) Low pressure steam or vapor heating boilers shall receive a certificate inspection
 4671 biennially with an internal inspection every four years where construction permits;

4672 (C) Hot water heating and hot water supply boilers shall receive a certificate inspection
 4673 biennially with an internal inspection at the discretion of the inspector;

4674 (D) Pressure vessels subject to internal corrosion shall receive a certificate inspection
 4675 triennially with an internal inspection at the discretion of the inspector. Pressure
 4676 vessels not subject to internal corrosion shall receive a certificate of inspection at
 4677 intervals set by the ~~office~~ department; and

4678 (E) Nuclear vessels within the scope of this article shall be inspected and reported in
 4679 such form and with such appropriate information as the ~~office~~ department shall
 4680 designate.

4681 (2) A grace period of two months beyond the periods specified in subparagraphs (A)
 4682 through (D) of this paragraph may elapse between certificate inspections.

4683 (3) The ~~office~~ department may provide for longer periods between certificate inspection
4684 in its rules and regulations.

4685 (4) Under the provisions of this article, the ~~office~~ department is responsible for providing
4686 for the safety of life, limb, and property and therefore has jurisdiction over the
4687 interpretation and application of the inspection requirements as provided for in the rules
4688 and regulations which it has promulgated. The person conducting the inspection during
4689 construction and installation shall certify as to the minimum requirements for safety as
4690 defined in the ASME Code. Inspection requirements of operating equipment shall be in
4691 accordance with generally accepted practice and compatible with the actual service
4692 conditions, such as:

4693 (A) Previous experience, based on records of inspection, performance, and
4694 maintenance;

4695 (B) Location, with respect to personnel hazard;

4696 (C) Quality of inspection and operating personnel;

4697 (D) Provision for related safe operation controls; and

4698 (E) Interrelation with other operations outside the scope of this article.

4699 Based upon documentation of such actual service conditions by the owner or user of the
4700 operating equipment, the ~~office~~ department may, in its discretion, permit variations in the
4701 inspection requirements.

4702 (c) The inspections required in this article shall be made by the chief inspector, by a
4703 deputy inspector, by a special inspector, or by an owner or user inspector provided for in
4704 this article.

4705 (d) Owner or user inspection of pressure vessels is permitted, provided that the owner or
4706 user inspection service is regularly established and is under the supervision of one or more
4707 individuals whose qualifications are satisfactory to the ~~office~~ department and said owner
4708 or user causes the pressure vessels to be inspected in conformance with the National Board
4709 Inspection Code or API 510, as applicable.

4710 (e) If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it
4711 shall be made by the owner or user of the boiler or pressure vessel.

4712 (f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed
4713 in this state after the 12 month period from the date upon which the rules and regulations
4714 of the ~~office~~ department shall become effective shall be inspected during construction as
4715 required by the applicable rules and regulations of the ~~office~~ department by an inspector
4716 authorized to inspect boilers and pressure vessels in this state or, if constructed outside of
4717 the state, by an inspector holding a commission issued by the National Board of Boiler and
4718 Pressure Vessel Inspectors.

4719 25-15-24.

4720 (a) Each company employing special inspectors shall, within 30 days following each
4721 certificate inspection made by such inspectors, file a report of such inspection with the
4722 chief inspector upon appropriate forms as promulgated by the ~~Commissioner~~
4723 commissioner. The filing of reports of external inspections, other than certificate
4724 inspections, shall not be required except when such inspections disclose that the boiler or
4725 pressure vessel is in a dangerous condition.

4726 (b) Each company operating pressure vessels covered by an owner or user inspection
4727 service meeting the requirements of subsection (a) of Code Section 25-15-19 shall maintain
4728 in its files an inspection record which shall list, by number and such abbreviated
4729 description as may be necessary for identification, each pressure vessel covered by this
4730 article, the date of the last inspection of each pressure vessel, and the approximate date for
4731 the next inspection. The inspection record shall be available for examination by the chief
4732 inspector or the chief inspector's authorized representative during business hours.

4733 (c) If the report filed pursuant to subsection (a) of this Code section shows that a boiler or
4734 pressure vessel is found to comply with the rules and regulations of the ~~office~~ department,
4735 the chief inspector, or his or her duly authorized representative, shall issue to such owner
4736 or user an inspection certificate bearing the date of inspection and specifying the maximum
4737 pressure under which the boiler or pressure vessel may be operated. Such inspection
4738 certificate shall be valid for not more than 14 months from its date in the case of power
4739 boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in
4740 the case of pressure vessels. In the case of those boilers and pressure vessels covered by
4741 subparagraphs (b)(1)(A) through (b)(1)(D) of Code Section 25-15-23 for which the ~~office~~
4742 department has established or extended the operating period between required inspections
4743 pursuant to the provisions of paragraphs (3) and (4) of subsection (b) of Code Section
4744 25-15-23, the certificate shall be valid for a period of not more than two months beyond
4745 the period set by the ~~office~~ department. Certificates for boilers shall be posted under glass,
4746 or similarly protected, in the room containing the boiler. Pressure vessel certificates shall
4747 be posted in like manner, if convenient, or filed where they will be readily accessible for
4748 examination.

4749 (d) No inspection certificate issued for an insured boiler or pressure vessel based upon a
4750 report of a special inspector shall be valid after the boiler or pressure vessel for which it
4751 was issued shall cease to be insured by a company duly authorized by this state to provide
4752 such insurance.

4753 (e) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
4754 representative may at any time suspend an inspection certificate after showing cause that
4755 the boiler or pressure vessel for which it was issued cannot be operated without menace to

4756 the public safety or when the boiler or pressure vessel is found not to comply with the rules
 4757 and regulations adopted pursuant to this article. Each suspension of an inspection
 4758 certificate shall continue in effect until such boiler or pressure vessel shall have been made
 4759 to conform to the rules and regulations of the ~~office~~ department and until such inspection
 4760 certificate shall have been reinstated.

4761 (f) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
 4762 representative may issue a written order for the temporary cessation of operation of a boiler
 4763 or pressure vessel if it has been determined after inspection to be hazardous or unsafe.
 4764 Operations shall not resume until such conditions are corrected to the satisfaction of the
 4765 ~~Commissioner~~ commissioner or his or her authorized representative.

4766 25-15-25.

4767 (a) Boilers and pressure vessels, subject to operating certificate inspections by special,
 4768 owner, or user inspectors, shall be inspected within 60 calendar days following the required
 4769 reinspection date. Inspections not performed within this 60 calendar day period shall result
 4770 in a civil penalty of \$500.00 for each boiler or pressure vessel not inspected.

4771 (b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the
 4772 chief or deputy inspectors or operating certificate fees due from inspections performed
 4773 by special, or owner or user, inspectors shall be paid within 60 calendar days of
 4774 completion of such inspections.

4775 (2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear
 4776 interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall
 4777 continue to accrue until all amounts due, including interest, are received by the
 4778 ~~Commissioner~~ commissioner.

4779 (c) The ~~Commissioner~~ commissioner may waive the collection of the penalties and interest
 4780 assessed as provided in subsections (a) and (b) of this Code section when it is reasonably
 4781 determined that the delays in inspection or payment were unavoidable or due to the action
 4782 or inaction of the ~~office~~ department.

4783 25-15-26.

4784 It shall be unlawful for any person, firm, partnership, or corporation to operate in this state
 4785 a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection
 4786 service as provided for in Code Section 25-15-24, without a valid inspection certificate.
 4787 The operation of a boiler or pressure vessel without such inspection certificate or at a
 4788 pressure exceeding that specified in such inspection certificate or in violation of this article
 4789 shall constitute a misdemeanor.

4790 25-15-27.

4791 The owner or user of a boiler or pressure vessel required by this article to be inspected by
 4792 the chief inspector or a deputy inspector shall pay directly to the chief inspector, upon
 4793 completion of inspection, fees as prescribed in rules and regulations promulgated by the
 4794 ~~Commissioner~~ commissioner; provided, however, that, with respect to pressure vessel
 4795 certificates of inspection, such fees shall not exceed \$10.00 per annum. The chief inspector
 4796 shall transfer all fees so received to the general fund of the state treasury. All funds so
 4797 deposited in the state treasury are authorized to be appropriated by the General Assembly
 4798 to the ~~Safety Fire Commissioner~~ commissioner.

4799 25-15-28.

4800 (a) Any person aggrieved by an order or an act of the ~~Commissioner~~ commissioner or the
 4801 chief inspector under this article may, within 15 days of notice thereof, request a hearing
 4802 before an administrative law judge of the Office of State Administrative Hearings, as
 4803 provided by Code Section 50-13-41.

4804 (b) Any person aggrieved by a decision of an administrative law judge may file an appeal
 4805 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

4806 25-15-29.

4807 No county, municipality, or other political subdivision shall have the power to make any
 4808 laws, ordinances, or resolutions providing for the construction, installation, inspection,
 4809 maintenance, and repair of boilers and pressure vessels within the limits of such county,
 4810 municipality, or other political subdivision; and any such laws, ordinances, or resolutions
 4811 shall be void and of no effect.

4812 25-15-30.

4813 Neither this article nor any provision of this article shall be construed to place any liability
 4814 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
 4815 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
 4816 boilers and pressure vessels and any injury or damages arising therefrom.

4817 **ARTICLE 3**

4818 25-15-50.

4819 This article shall be known and may be cited as the 'Amusement Ride Safety Act.'

4820 25-15-51.

4821 As used in this article, the term:

4822 (1) 'Amusement ride' means any mechanical device, other than those regulated by the
4823 Consumer Products Safety Commission, which carries or conveys passengers along,
4824 around, or over a fixed or restricted route or course or within a defined area for the
4825 purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term
4826 shall not include any such device which is not permanently fixed to a site.

4827 (2) 'Authorized person' means a competent person experienced and instructed in the work
4828 to be performed who has been given the responsibility to perform his or her duty by the
4829 owner or his or her representative.

4830 (3) 'Certificate fee' means the fee charged by the ~~office~~ department for a certificate to
4831 operate an amusement ride.

4832 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that an
4833 amusement ride meets all relevant provisions of this article and the standards and
4834 regulations adopted pursuant thereto.

4835 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4836 (6) 'Department' means the Department of Fire Safety.

4837 ~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person
4838 who is found by the ~~office~~ department to possess the requisite training and experience to
4839 perform competently the inspections required by this article and who is licensed by the
4840 ~~office~~ department to perform inspections of amusement rides.

4841 ~~(7)~~(8) 'Operator' means a person or persons actually engaged in or directly controlling
4842 the operation of an amusement ride.

4843 ~~(8) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce~~
4844 ~~the provisions of this article and to formulate and enforce standards and regulations.~~

4845 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns an
4846 amusement ride or, in the event that the amusement ride is leased, the lessee.

4847 (10) 'Permit' means a permit to operate an amusement ride issued to an owner by the
4848 ~~office~~ department.

4849 (11) 'Permit fee' means the fee charged by the ~~office~~ department for a permit to operate
4850 an amusement ride.

4851 (12) 'Standards and regulations' means those standards and regulations formulated and
4852 enforced by the ~~office~~ department.

4853 25-15-52.

4854 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
4855 knowledgeable in the area of the amusement ride industry and to create committees

4856 composed of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his
4857 or her duties under this article.

4858 25-15-53.

4859 (a) The ~~office~~ department shall formulate standards and regulations, or changes to such
4860 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,
4861 operation, and inspection of all amusement rides. The standards and regulations shall be
4862 reasonable and based upon generally accepted engineering standards, formulas, and
4863 practices pertinent to the industry. Formulation and promulgation of such standards and
4864 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
4865 Procedure Act.' It is recognized that risks presented to the general public by amusement
4866 rides which are frequently assembled and disassembled are different from those presented
4867 by amusement rides which are not frequently assembled and disassembled. Accordingly,
4868 the ~~office~~ department is authorized to formulate different standards and regulations with
4869 regard to such differing classes of amusement rides.

4870 (b) The ~~office~~ department shall:

- 4871 (1) Enforce all standards and regulations;
4872 (2) License inspectors for authorization to inspect amusement rides;
4873 (3) Issue permits upon compliance with this article and such standards and regulations
4874 adopted pursuant to this article; and
4875 (4) Establish a fee schedule for the issuance of permits for amusement rides.

4876 25-15-54.

4877 The ~~office~~ department may license such private inspectors as may be necessary to carry out
4878 the provisions of this article.

4879 25-15-55.

4880 (a) No amusement ride shall be operated, except for purposes of testing and inspection,
4881 until a permit for its operation has been issued by the ~~office~~ department. The owner of an
4882 amusement ride shall apply for a permit to the ~~office~~ department on a form furnished by
4883 the ~~office~~ department providing such information as the ~~office~~ department may require.

4884 (b) No such application shall be complete without including a certificate of inspection
4885 from a licensed inspector that the amusement ride meets all relevant provisions of this
4886 article and the standards and regulations adopted pursuant thereto. The cost of obtaining
4887 the certificate of inspection from a licensed inspector shall be borne by the owner or
4888 operator.

4889 25-15-56.

4890 (a) All amusement rides shall be inspected annually, and may be inspected more
4891 frequently, by a licensed inspector at the owner's or operator's expense. If the amusement
4892 ride meets all relevant provisions of this article and the standards and regulations adopted
4893 pursuant to this article, the licensed inspector shall provide to the owner or operator a
4894 certificate of inspection. All new amusement rides shall be inspected before commencing
4895 public operation.

4896 (b) Amusement rides and attractions may be required to be inspected by an authorized
4897 person each time they are assembled or disassembled in accordance with regulations and
4898 standards established under this article.

4899 25-15-57.

4900 The ~~office~~ department may waive the requirement of subsection (a) of Code Section
4901 25-15-56 if the owner of an amusement ride gives satisfactory proof to the ~~office~~
4902 department that the amusement ride has passed an inspection conducted by a federal
4903 agency or by another state whose standards and regulations for the inspection of such an
4904 amusement ride are at least as stringent as those adopted pursuant to this article.

4905 25-15-58.

4906 The ~~office~~ department shall issue a permit to operate an amusement ride to the owner
4907 thereof upon successful completion of a safety inspection of the amusement ride conducted
4908 by a licensed inspector and upon receiving an application for permit with a certificate of
4909 insurance. The permit shall be valid for the calendar year in which issued.

4910 25-15-59.

4911 The owner shall maintain up-to-date maintenance, inspection, and repair records between
4912 inspection periods for each amusement ride in accordance with such standards and
4913 regulations as are adopted pursuant to this article. Such records shall contain a copy of all
4914 inspection reports commencing with the last annual inspection, a description of all
4915 maintenance performed, and a description of any mechanical or structural failures or
4916 operational breakdowns and the types of actions taken to rectify these conditions.

4917 25-15-60.

4918 No person shall be permitted to operate an amusement ride unless he or she is at least 16
4919 years of age. An operator shall be in attendance at all times that an amusement ride is in
4920 operation and shall operate no more than one amusement ride at any given time.

4921 25-15-61.

4922 The owner of the amusement ride shall report to the ~~office~~ department any accident
 4923 resulting in a fatality or an injury requiring immediate inpatient overnight hospitalization
 4924 incurred during the operation of any amusement ride. The report shall be in writing, shall
 4925 describe the nature of the occurrence and injury, and shall be mailed by first-class mail no
 4926 later than the close of the next business day following the accident. Accidents resulting in
 4927 a fatality shall also be reported immediately to the ~~office~~ department in person or by phone
 4928 in accordance with regulations adopted by the ~~office~~ department.

4929 25-15-62.

4930 (a) No person shall operate an amusement ride unless at the time there is in existence:

4931 (1) A policy of insurance in an appropriate amount determined by regulation insuring the
 4932 owner and operator (if an independent contractor) against liability for injury to persons
 4933 arising out of the operation of the amusement ride;

4934 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
 4935 under such bond shall not exceed the face amount thereof; or

4936 (3) Cash or other security acceptable to the ~~office~~ department.

4937 (b) Regulations under this article shall permit appropriate deductibles or self-insured
 4938 retention amounts to such policies of insurance. The policy or bond shall be procured from
 4939 one or more insurers or sureties acceptable to the ~~office~~ department.

4940 25-15-63.

4941 If any person would incur practical difficulties or unnecessary hardships in complying with
 4942 the standards and regulations adopted pursuant to this article, or if any person is aggrieved
 4943 by any order issued by the ~~office~~ department, the person may make a written application
 4944 to the ~~office~~ department stating his or her grounds and applying for a variance. The ~~office~~
 4945 department may grant such a variance in the spirit of the provisions of this article with due
 4946 regard to public safety. The granting or denial of a variance by the ~~office~~ department shall
 4947 be in writing and shall describe the conditions under which the variance is granted or the
 4948 reasons for denial. A record shall be kept of all variances granted by the ~~office~~ department
 4949 and such record shall be open to inspection by the public.

4950 25-15-64.

4951 This article shall not apply to any single-passenger coin operated amusement ride on a
 4952 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle
 4953 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

4954 25-15-65.

4955 This article shall not be construed so as to prevent the use of any existing amusement ride
 4956 found to be in a safe condition and to be in conformance with the standards and regulations
 4957 adopted pursuant to this article. Owners of amusement rides in operation on or before the
 4958 effective date of this article shall comply with the provisions of this article and the
 4959 standards and regulations adopted pursuant to this article within six months after the
 4960 adoption of such standards and regulations.

4961 25-15-66.

4962 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
 4963 representative may issue a written order for the temporary cessation of operation of an
 4964 amusement ride if it has been determined after inspection to be hazardous or unsafe.
 4965 Operations shall not resume until such conditions are corrected to the satisfaction of the
 4966 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
 4967 representative.

4968 (b) In the event that an owner or operator knowingly allows the operation of an amusement
 4969 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the
 4970 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court
 4971 any action for an injunction or writ of mandamus upon the petition of the district attorney
 4972 or Attorney General. An injunction, without bond, may be granted by the superior court
 4973 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

4974 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article
 4975 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate
 4976 offense.

4977 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
 4978 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil
 4979 penalties as prescribed in the rules and regulations of the ~~office~~ department in an amount
 4980 not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to
 4981 adhere to the requirements of this article and the rules and regulations promulgated under
 4982 this article. The imposition of a penalty for a violation of this article or the rules and
 4983 regulations promulgated under this article shall not excuse the violation or permit it to
 4984 continue.

4985 25-15-67.

4986 The owner or operator of an amusement ride may deny entry to a person to an amusement
 4987 ride if in the owner's or operator's opinion the entry may jeopardize the safety of such
 4988 person or the safety of any other person. Nothing in this Code section shall permit an

4989 owner or operator to deny an inspector access to an amusement ride when such inspector
4990 is acting within the scope of his or her duties under this article.

4991 25-15-68.

4992 Neither this article nor any provision of this article shall be construed to place any liability
4993 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
4994 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
4995 amusement rides and any injury or damages arising therefrom.

4996 25-15-69.

4997 No county, municipality, or other political subdivision shall have the power to pass
4998 ordinances, resolutions, or other requirements regulating the construction, installation,
4999 inspection, maintenance, repair, or operation of amusement rides within the limits of such
5000 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
5001 other requirements shall be void and of no effect; provided, however, that the provisions
5002 of this Code section shall not apply to local zoning ordinances or ordinances regulating
5003 location, siting requirements, or other development standards or conditions relative to
5004 amusement rides or their time of operation or noise levels generated. Nothing in this article
5005 preempts the imposition of regulatory fees or occupation taxes imposed by counties and
5006 municipalities pursuant to Chapter 13 of Title 48.

5007 **ARTICLE 4**

5008 25-15-80.

5009 This article shall be known and may be cited as the 'Carnival Ride Safety Act.'

5010 25-15-81.

5011 As used in this article, the term:

5012 (1) 'Authorized person' means a competent person experienced and instructed in the work
5013 to be performed who has been given the responsibility to perform his or her duty by the
5014 owner or the owner's representative.

5015 (2) 'Carnival ride' means any mechanical device, other than amusement rides regulated
5016 under Article 3 of this chapter, known as the 'Amusement Ride Safety Act,' which carries
5017 or conveys passengers along, around, or over a fixed or restricted route or course or
5018 within a defined area for the purpose of giving its passengers amusement, pleasure,
5019 thrills, or excitement. Such term shall not include any such device which is permanently
5020 fixed to a site.

- 5021 (3) 'Certificate fee' means the fee charged by the ~~office~~ department for a certificate to
 5022 operate a carnival ride.
- 5023 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that a
 5024 carnival ride meets all relevant provisions of this article and the standards and regulations
 5025 adopted pursuant thereto.
- 5026 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.
- 5027 (6) 'Department' means the Department of Fire Safety.
- 5028 ~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person
 5029 who is found by the ~~office~~ department to possess the requisite training and experience to
 5030 perform competently the inspections required by this article and who is licensed by the
 5031 ~~office~~ department to perform inspections of carnival rides.
- 5032 ~~(7)~~ 'Office' means the ~~office of Safety Fire Commissioner, which is designated to enforce~~
 5033 ~~the provisions of this article and to formulate and enforce standards and regulations.~~
- 5034 (8) 'Operator' means a person or persons actually engaged in or directly controlling the
 5035 operation of a carnival ride.
- 5036 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns a
 5037 carnival ride or, in the event that the carnival ride is leased, the lessee.
- 5038 (10) 'Permit' means a permit to operate a carnival ride issued to an owner by the ~~office~~
 5039 department.
- 5040 (11) 'Permit fee' means the fee charged by the ~~office~~ department for a permit to operate
 5041 a carnival ride.
- 5042 (12) 'Standards and regulations' means those standards and regulations formulated and
 5043 enforced by the ~~office~~ department.

5044 25-15-82.

5045 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
 5046 knowledgeable in the area of the carnival ride industry and to create committees composed
 5047 of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his or her
 5048 duties under this article.

5049 25-15-83.

5050 (a) The ~~office~~ department shall formulate standards and regulations, or changes to such
 5051 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,
 5052 operation, and inspection of all carnival rides. The standards and regulations shall be
 5053 reasonable and based upon generally accepted engineering standards, formulas, and
 5054 practices pertinent to the industry. Formulation and promulgation of such standards and

5055 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
5056 Procedure Act.'

5057 (b) The ~~office~~ department shall:

5058 (1) Enforce all standards and regulations;

5059 (2) License inspectors for authorization to inspect carnival rides; and

5060 (3) Issue permits upon compliance with this article and such standards and regulations
5061 adopted pursuant to this article.

5062 (c) The owner or operator of a carnival ride required to be inspected shall pay fees as
5063 prescribed in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The
5064 chief inspector shall transfer all fees so received to the general fund of the state treasury.
5065 All funds so deposited in the state treasury are authorized to be appropriated by the General
5066 Assembly to the ~~Safety Fire Commissioner~~ commissioner.

5067 25-15-84.

5068 The ~~office~~ department may license such private inspectors as may be necessary to carry out
5069 the provisions of this article.

5070 25-15-85.

5071 (a) No carnival ride shall be operated in any calendar year, except for purposes of testing
5072 and inspection, until a permit for its operation has been issued by the ~~office~~ department.
5073 The owner of a carnival ride shall apply for a permit to the ~~office~~ department on a form
5074 furnished by the ~~office~~ department, providing such information as the ~~office~~ department
5075 may require.

5076 (b) Beginning January 1, 2018, no permit for a carnival ride to operate in this state shall
5077 be issued by the ~~office~~ department until the carnival owner submits an engineering
5078 evaluation from a licensed engineer that evaluates the functionality of safety mechanisms
5079 and the condition of the critical components of the carnival ride. The scope of such
5080 engineering evaluation may be further prescribed by standards and regulations of the ~~office~~
5081 department that are consistent with this subsection. Such evaluation shall be provided prior
5082 to the annual inspection required by Code Section 25-15-86 and use of the carnival ride by
5083 the general public. The submission of such evaluation shall only be required the first time
5084 the carnival owner applies for a permit for the carnival ride in this state on or after
5085 January 1, 2018.

5086 25-15-86.

5087 All carnival rides and attractions shall be inspected annually and may be inspected more
5088 frequently by a licensed inspector at the owner's or operator's expense. If the carnival ride

5089 meets all relevant provisions of this article and the standards and regulations adopted
5090 pursuant to this article, the licensed inspector shall provide to the owner or operator a
5091 certificate of inspection. All new carnival rides shall be inspected before commencing
5092 public operation.

5093 25-15-87.

5094 The ~~office~~ department may waive the requirement of Code Section 25-15-86 if the owner
5095 of a carnival ride gives satisfactory proof to the ~~office~~ department that the carnival ride has
5096 passed an inspection conducted by a federal agency or by another state whose standards
5097 and regulations for the inspection of such a carnival ride are at least as stringent as those
5098 adopted pursuant to this article.

5099 25-15-88.

5100 The ~~office~~ department shall issue a permit to operate a carnival ride to the owner thereof
5101 upon successful completion of a safety inspection by a licensed inspector, upon completion
5102 by the owner of the application for a permit, and upon presentation of a certificate of
5103 inspection or waiver thereof by the ~~office~~ department. The permit shall be valid for the
5104 calendar year in which issued.

5105 25-15-89.

5106 The owner shall maintain up-to-date maintenance, inspection, and repair records between
5107 inspection periods for each carnival ride in accordance with such standards and regulations
5108 as are adopted pursuant to this article. Such records shall contain a copy of all inspection
5109 reports commencing with the last annual inspection, a description of all maintenance
5110 performed, and a description of any mechanical or structural failures or operational
5111 breakdowns and the types of actions taken to rectify these conditions.

5112 25-15-90.

5113 (a) No person shall be permitted to operate a carnival ride unless he or she is at least 16
5114 years of age. An operator shall be in attendance at all times that a carnival ride is in
5115 operation and shall operate no more than one carnival ride at any given time.

5116 (b) No carnival ride shall be operated at standards below those recommended by the
5117 manufacturer of such carnival ride or below the standards adopted or variants approved by
5118 the ~~office~~ department, whichever is greater.

5119 25-15-91.

5120 The owner of the carnival ride shall report to the ~~office~~ department any accident incurred
 5121 during the operation of any carnival ride resulting in a fatality or an injury requiring
 5122 medical attention from a licensed medical facility. The report shall be in writing, shall
 5123 describe the nature of the occurrence and injury, and shall be delivered in person or mailed
 5124 by first-class mail no later than the close of the next business day following the accident.
 5125 Accidents resulting in a fatality shall also be reported immediately to the ~~office~~ department
 5126 in person or by phone in accordance with regulations adopted by the ~~office~~ department.

5127 25-15-92.

5128 (a) No person shall operate a carnival ride unless at the time there is in existence:
 5129 (1) A policy of insurance in an amount not less than \$1 million (if an independent
 5130 contractor) against liability for injury to persons arising out of the operation of the
 5131 carnival ride;
 5132 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
 5133 under such bond shall not exceed the face amount thereof; or
 5134 (3) Cash or other security acceptable to the ~~office~~ department.
 5135 (b) Regulations under this article shall permit appropriate deductibles or self-insured
 5136 retention amounts to such policies of insurance. The policy or bond shall be procured from
 5137 one or more insurers or sureties acceptable to the ~~office~~ department.

5138 25-15-93.

5139 If any person would incur practical difficulties or unnecessary hardships in complying with
 5140 the standards and regulations adopted pursuant to this article, or if any person is aggrieved
 5141 by any order issued by the ~~office~~ department, the person may make a written application
 5142 to the ~~office~~ department stating his or her grounds and applying for a variance. The ~~office~~
 5143 department may grant such a variance in the spirit of the provisions of this article with due
 5144 regard to public safety. The granting or denial of a variance by the ~~office~~ department shall
 5145 be in writing and shall describe the conditions under which the variance is granted or the
 5146 reasons for denial. A record shall be kept of all variances granted by the ~~office~~ department
 5147 and such record shall be open to inspection by the public.

5148 25-15-94.

5149 This article shall not apply to any single-passenger coin operated carnival ride on a
 5150 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle
 5151 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

5152 25-15-95.

5153 This article shall not be construed so as to prevent the use of any existing carnival ride
5154 found to be in a safe condition and to be in conformance with the standards and regulations
5155 adopted pursuant to this article.

5156 25-15-96.

5157 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5158 representative may issue a written order for the temporary cessation of operation of a
5159 carnival ride if it has been determined after inspection to be hazardous or unsafe.
5160 Operations shall not resume until such conditions are corrected to the satisfaction of the
5161 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5162 representative.

5163 (b) In the event that an owner or operator knowingly allows the operations of a carnival
5164 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the
5165 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court
5166 any action for an injunction or writ of mandamus upon the petition of the district attorney
5167 or Attorney General. An injunction, without bond, may be granted by the superior court
5168 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

5169 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article
5170 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate
5171 offense.

5172 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
5173 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil
5174 penalties as prescribed in the rules and regulations of the ~~office~~ department in an amount
5175 not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to
5176 adhere to the requirements of this article and the rules and regulations promulgated under
5177 this article. The imposition of a penalty for a violation of this article or the rules and
5178 regulations promulgated under this article shall not excuse the violation or permit it to
5179 continue.

5180 25-15-97.

5181 The owner or operator of a carnival ride may deny entry to a person to a carnival ride if in
5182 the owner's or operator's opinion the entry may jeopardize the safety of such person or the
5183 safety of any other person. Nothing in this Code section shall permit an owner or operator
5184 to deny an inspector access to a carnival ride when such inspector is acting within the scope
5185 of his or her duties under this article.

5186 25-15-98.

5187 (a) The owner or operator of a carnival ride shall post a clearly visible sign at the location
5188 of each ride and at the location of ~~tickets~~ ticket sales for each ride which states any age,
5189 weight, or height requirements of the ride which are necessary as a safeguard against
5190 injury.

5191 (b) It shall be unlawful for any owner or operator to permit entry to a carnival ride to any
5192 person who does not meet the posted age, size, and weight requirements for such ride.

5193 25-15-99.

5194 The owner of any itinerant carnival ride which is located within this state shall
5195 continuously maintain in this state a registered agent of record who may be an individual
5196 who resides in the state and whose business address is identical with the address of the
5197 owner's required office.

5198 25-15-100.

5199 Neither this article nor any provision of this article shall be construed to place any liability
5200 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
5201 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
5202 carnival rides and any injury or damages arising therefrom.

5203 25-15-101.

5204 No county, municipality, or other political subdivision shall have the power to pass
5205 ordinances, resolutions, or other requirements regulating the construction, installation,
5206 inspection, maintenance, repair, or operation of carnival rides within the limits of such
5207 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
5208 other requirements shall be void and of no effect; provided, however, that the provisions
5209 of this Code section shall not apply to local zoning ordinances or ordinances regulating
5210 location, siting requirements, or other development standards or conditions relative to
5211 carnival rides or their time of operation or noise levels generated. Nothing in this article
5212 preempts the imposition of regulatory fees or occupation taxes imposed by counties and
5213 municipalities pursuant to Chapter 13 of Title 48.

5214

ARTICLE 5

5215 25-15-110.

5216 (a)(1) All scaffolding or staging that is swung or suspended from an overhead support
5217 or erected with stationary supports and is suspended or rises 30 feet or more above the

5218 ground shall have a safety rail properly attached, bolted, braced, and otherwise secured;
5219 and the safety rail shall rise at least 34 inches above the floor or main portions of such
5220 scaffolding or staging and extend for the full length of such staging and along the ends
5221 thereof with only such openings as may be necessary for the delivery of materials being
5222 used on such scaffold or staging. Such scaffolding or staging shall also be so fastened
5223 as to prevent it from swaying from the building or structure. However, this paragraph
5224 shall not apply to any scaffolding or staging which is wholly within the interior of a
5225 building or other structure and which covers the entire floor space therein.

5226 (2) It shall be unlawful for any person to employ or direct others to perform labor of any
5227 kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building
5228 or other structure without first having furnished proper protection to such person so
5229 employed or directed, as provided in paragraph (1) of this subsection.

5230 (b) All scaffolding or staging shall be so constructed that it will bear at least four times the
5231 weight required to be hanging therefrom or placed thereon when in use.

5232 (c)(1) The ~~Safety Fire Commissioner~~ commissioner of fire safety, upon receipt of any
5233 complaint, shall make or cause to be made an immediate inspection of the scaffold, or
5234 mechanical device connected therewith, concerning which complaint has been made.

5235 (2) The ~~Commissioner~~ commissioner of fire safety shall attach to every scaffold, staging,
5236 mechanism, or mechanical device inspected by him or her a certificate bearing the
5237 ~~Commissioner's~~ commissioner of fire safety's name and the date of inspection, and the
5238 certificate shall plainly state whether he or she has found the scaffolding, staging, or
5239 mechanical device 'safe' or 'unsafe.'

5240 (3) If the ~~Commissioner~~ commissioner of fire safety finds any scaffolding, staging, or
5241 mechanical device complained of to be unsafe, the ~~Commissioner~~ commissioner of fire
5242 safety shall at once notify in writing the person responsible for the erection and
5243 maintenance of the scaffolding, staging, or mechanical device that the ~~Commissioner~~
5244 commissioner of fire safety has found it to be unsafe. Such notice may be served
5245 personally upon the person responsible under the law or may be perfected by affixing
5246 such notice in a conspicuous place on the scaffold, staging, or mechanical device found
5247 unsafe. The manner of service shall be within the discretion of the ~~Commissioner~~
5248 commissioner of fire safety. The ~~Commissioner~~ commissioner of fire safety shall then
5249 prohibit the use of such scaffolding, staging, or mechanical device by any person until all
5250 danger has been removed or until it has been made to comply with the terms of this Code
5251 section by alteration, reconstruction, demolition, or replacement, as the ~~Commissioner~~
5252 commissioner of fire safety may direct.

5253 (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold,
 5254 staging, or other mechanical device in violation of any provision of this Code section shall
 5255 be guilty of a misdemeanor.

5256 ARTICLE 6

5257 25-15-120.

5258 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
 5259 procedures, and pending and finalized administrative orders fo the Safety Fire
 5260 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
 5261 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 5262 superseded, or nullified by the commissioner of fire safety.

5263 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 5264 previously issued by the Safety Fire Commissioner with respect to any function transferred
 5265 to the Department of Fire Safety shall continue in effect until the same expire by their
 5266 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 5267 law.

5268 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 5269 and obligations and exercise all of the powers formerly held by the Safety Fire
 5270 Commissioner under this chapter."

5271 **PART XII**

5272 **SECTION 12-1.**

5273 Article 9 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
 5274 Georgia Information Sharing and Analysis Center, is amended by revising Code Section
 5275 35-3-204, relating to membership and availability of analysts, as follows:

5276 "35-3-204.

5277 (a) Membership in the center shall consist of the director, the director of emergency
 5278 management and homeland security, the commissioner of public safety, the commissioner
 5279 of fire safety, the commissioner of natural resources, the commissioner of corrections, the
 5280 state fire marshal, the Attorney General, the adjutant general, and ~~state and~~ local fire
 5281 service, law enforcement, homeland security, emergency management, corrections, and
 5282 other appropriate agencies and disciplines as determined by the director of emergency
 5283 management and homeland security in consultation with the director. Such members shall
 5284 assign or make available their analysts or other personnel to the center as such need is
 5285 determined by the director of emergency management and homeland security.

5286 (b) The director of emergency management and homeland security shall maintain Georgia
 5287 Emergency Management and Homeland Security Agency analysts in the center as needed
 5288 as determined by the director of emergency management and homeland security."

5289 **PART XIII**

5290 **SECTION 13-1.**

5291 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability
 5292 and effect of peace officer certification requirements generally and requirements as to exempt
 5293 persons, is amended by revising subsection (b) as follows:

5294 "(b) Peace officers commencing any employment or service on any terms with the
 5295 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,
 5296 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco
 5297 Tax Unit, the Secretary of State's investigative section, the ~~Office~~ office of the
 5298 Commissioner of Insurance and Safety ~~Fire Commissioner~~, the Department of Fire Safety,
 5299 or a railroad after July 1, 1975, are required to comply with the certification provisions of
 5300 this chapter. Peace officers commencing such employment or service prior to July 1, 1975,
 5301 and whose employment continues on July 1, 1975, are exempt and excused from
 5302 compliance with the certification provisions of this chapter except as provided in this Code
 5303 section so long as the registration provided for in subsections (d) and (e) of this Code
 5304 section remains in effect. Any peace officer otherwise exempt from the certification
 5305 provisions of this chapter must meet the qualifications and requirements specified in
 5306 paragraphs (2), (4), (5), and ~~(8)~~ (7) of subsection (a) of Code Section 35-8-8."

5307 **PART XIV**

5308 **SECTION 14-1.**

5309 Chapter 25 of Title 43 of the Official Code of Georgia Annotated, relating to operators of
 5310 motor vehicle racetracks, is amended as follows:

5311 "CHAPTER 25

5312 43-25-1.

5313 As used in this chapter, the term 'motor vehicle;' shall not be construed to include any
 5314 motorcycle or other two-wheeled, self-propelled vehicle, nor shall it be construed to
 5315 include any motor vehicle weighing less than 500 pounds.

5316 43-25-2.

5317 It shall be unlawful for any person, firm, or corporation to operate or conduct any motor
5318 vehicle race on any permanent racetrack or other place where such races are to be held
5319 unless there shall first be obtained a license to operate or conduct such races from the
5320 ~~Safety Fire Commissioner~~ commissioner of fire safety.

5321 43-25-3.

5322 Application for a license to operate or conduct a racetrack or other place for the holding of
5323 motor vehicle races or exhibitions shall be made in writing to the ~~Safety Fire~~
5324 ~~Commissioner~~ commissioner of fire safety on a form prescribed by or furnished by the
5325 ~~Safety Fire Commissioner~~ commissioner of fire safety. The application form shall require
5326 a full and complete address of the track or other place desired to be licensed, the name and
5327 address of the licensee, and the name and address of the promoter of such race or exhibition
5328 and shall contain such further information as the ~~Safety Fire Commissioner~~ commissioner
5329 of fire safety may require in order to comply with Code Section 43-25-4. Such application
5330 shall be accompanied by a nonrefundable fee of \$150.00.

5331 43-25-4.

5332 No license for operating or conducting a motor vehicle racetrack shall be issued by the
5333 ~~Safety Fire Commissioner~~ commissioner of fire safety until the applicant has complied
5334 with the rules and regulations of the ~~Safety Fire Commissioner~~ commissioner of fire safety
5335 pursuant to Code Section 43-25-8 and has a valid public liability insurance policy with
5336 minimum limits of \$1 million per accident and \$100,000.00 per person per accident, or
5337 \$1 million combined single limit, or in lieu thereof a valid public liability bond in like
5338 amount. The policy or bond shall be designed to provide coverage for the protection of the
5339 licensee from any legal liability arising out of bodily injury, including death, to any
5340 member of the general public, resulting from any racing event. The insurance policy or
5341 bond shall not be designed to provide coverage for bodily injuries or death of drivers of
5342 motor vehicles which are engaged in any race, any pit area personnel, or any person who
5343 is involved in the conduct of a race. The policy or bond shall be written by a company
5344 which is licensed to do business in this state or which is considered to be acceptable by the
5345 ~~Safety Fire Commissioner~~ commissioner of fire safety.

5346 43-25-5.

5347 No insurance policy or bond may be canceled for any reason unless and until the ~~Safety~~
5348 ~~Fire Commissioner~~ commissioner of fire safety has received notice by certified or
5349 registered letter, return receipt requested, that the policy or bond is going to be canceled

5350 effective on a date at least 14 days from the date such notice is received by the ~~Safety Fire~~
 5351 ~~Commissioner~~ commissioner of fire safety.

5352 43-25-6.

5353 All licenses granted by the ~~Safety Fire Commissioner~~ commissioner of fire safety pursuant
 5354 to this chapter shall expire December 31 of each year.

5355 43-25-7.

5356 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized to suspend or
 5357 revoke the license of any person who operates or conducts motor vehicle races or
 5358 exhibitions without complying with this chapter.

5359 43-25-8.

5360 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized and directed to
 5361 create and promulgate rules and regulations which are to be designed to prevent injury and
 5362 loss of life to spectators while they are observing and viewing motor vehicles engaged in
 5363 contests of speed or endurance. Such rules and regulations shall provide for certificates of
 5364 occupancy; periodic inspections by fire inspectors and other experts; corrections of
 5365 deficiencies in racetrack facilities; standards for grandstands; guardrails; spectator areas;
 5366 nonspectator areas; flagmen; track surfaces; fences; ambulance service; access highways
 5367 or roads; fire extinguishers and other fire suppression equipment and personnel; plans for
 5368 fire evacuation; accident reporting; damage reporting; storage of flammable and
 5369 combustible liquids; restricted areas; concession areas; and such other areas of coverage
 5370 as, in the opinion of the ~~Safety Fire Commissioner~~ commissioner of fire safety, are deemed
 5371 necessary.

5372 43-25-9.

5373 The owner or lessee of any real property upon which exists a motor vehicle racetrack or
 5374 other place subject to this chapter shall inform the ~~Safety Fire Commissioner~~ commissioner
 5375 of fire safety within ten days of any damage caused to any guardrail, post, or other device
 5376 which has for its purpose the prevention of injury or loss of life to spectators at the
 5377 racetrack or other place. Until any such damage is repaired and the repairs are approved
 5378 by fire inspectors, there shall be no racing or endurance event permitted on such racetrack
 5379 or other place.

5380 43-25-10.

5381 Any person who violates any provision of this chapter shall be guilty of a misdemeanor of
5382 a high and aggravated nature.

5383 43-25-11.

5384 (a) The Department of Fire Safety shall succeed to all rules, regulations, policies,
5385 procedures, and pending and finalized administrative orders of the Safety Fire
5386 Commissioner under this chapter which are in effect on June 30, 2019. Such rules,
5387 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
5388 superseded, or nullified by the commissioner of fire safety.

5389 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
5390 previously issued by the Safety Fire Commissioner with respect to any function transferred
5391 to the Department of Fire Safety shall continue in effect until the same expire by their
5392 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
5393 law.

5394 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
5395 and obligations and exercise all of the powers formerly held by the Safety Fire
5396 Commissioner under this chapter."

5397

PART XV

5398

SECTION 15-1.

5399 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
5400 is amended by revising Chapter 22, relating to public employee hazardous chemical
5401 protection and right to know, as follows:

5402

"CHAPTER 22

5403 45-22-1.

5404 This chapter shall be known and may be cited as the 'Public Employee Hazardous
5405 Chemical Protection and Right to Know Act of 1988.'

5406 45-22-2.

5407 As used in this chapter, the term:

5408 (1) 'Appointing authority' means a person or group of persons authorized by law or
5409 delegated authority to make appointments to fill employee positions in the legislative,
5410 judicial, or executive branch of state government.

- 5411 (2) 'Article' means a finished product or manufactured item:
- 5412 (A) Which is formed to a specific shape or design during manufacture;
- 5413 (B) Which has end use functions dependent in whole or in part upon its shape or design
- 5414 during end use; and
- 5415 (C) Which has either no change of chemical composition during end use or only those
- 5416 changes of composition which have no commercial purpose separate from that of the
- 5417 article.
- 5418 (3) 'Chemical name' means the scientific designation of a chemical in accordance with
- 5419 the nomenclature system developed by the International Union of Pure and Applied
- 5420 Chemistry or the system developed by the Chemical Abstracts Service.
- 5421 (4) 'Common name' means any designation or identification such as a code name, code
- 5422 number, trade name, or brand name used to identify a chemical other than by its chemical
- 5423 name.
- 5424 (5) 'Contractor,' 'independent contractor,' or 'public contractor' means any person under
- 5425 a contract or agreement to provide labor or services to a public employer.
- 5426 ~~(6) 'Department' means the office of the Safety Fire Commissioner.~~
- 5427 ~~(7)~~ 'Distributor' means an individual or employer, other than the manufacturer or
- 5428 importer, who supplies hazardous chemicals directly to users or to other distributors.
- 5429 ~~(8)~~(7) 'Employee' or 'public employee' means any person who is employed by any
- 5430 branch, department, board, bureau, commission, authority, or other agency of the state
- 5431 and any inmate under the jurisdiction of the Department of Corrections performing a
- 5432 work assignment which requires the handling of any hazardous chemicals. Such term
- 5433 shall not include those employees of the Environmental Protection Division of the
- 5434 Department of Natural Resources who are responsible for on-site response and assistance
- 5435 in the case of environmental emergencies while such employees are engaged in
- 5436 responding to such emergencies.
- 5437 ~~(9)~~(8) 'Employer' or 'public employer' means any branch, department, board, bureau,
- 5438 commission, authority, or other agency of the state which employs or appoints an
- 5439 employee or employees. An independent contractor or subcontractor shall be deemed the
- 5440 sole employer of its employees, even when such employees are performing work at the
- 5441 workplace of another employer.
- 5442 ~~(10)~~(9) 'Exposed' or 'exposure' means that an employee is required by a public employer
- 5443 to be subjected to a hazardous chemical in the course of employment through any route
- 5444 of entry, including but not limited to, inhalation, ingestion, skin contact, or absorption and
- 5445 includes potential or accidental exposure.
- 5446 ~~(11)~~(10) 'Hazardous chemical' means any chemical which is a physical hazard or a health
- 5447 hazard.

5448 ~~(12)~~(11) 'Health hazard' means a chemical for which there is statistically significant
5449 evidence based on at least one study conducted in accordance with established scientific
5450 principles that acute or chronic health effects may occur in exposed employees and shall
5451 include all examples of hazardous chemicals to which reference is made in the definition
5452 of 'health hazard' under the Occupational Safety and Health Administration standard, 29
5453 C.F.R. Section 1910.1200 (1987).

5454 ~~(13)~~(12) 'Importer' means the first individual or employer within the Customs Territory
5455 of the United States who receives hazardous chemicals produced in other countries for
5456 the purpose of supplying them to distributors or users within the United States.

5457 ~~(14)~~(13) 'Manufacturer' means a person who produces, synthesizes, extracts, or otherwise
5458 makes hazardous chemicals.

5459 ~~(15)~~(14) 'Material safety data sheet' means the document prepared by manufacturers in
5460 accordance with the requirements of the Occupational Safety and Health Administration
5461 standard, 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987) and containing the
5462 following information:

5463 (A) The chemical name and the common name of the hazardous chemical;

5464 (B) The hazards or other risks in the use of the hazardous chemical, including:

5465 (i) The potential for fire, explosion, corrosivity, and reactivity;

5466 (ii) The known acute and chronic health effects of risks from exposure, including the
5467 medical conditions which are generally recognized as being aggravated by exposure
5468 to the hazardous chemical; and

5469 (iii) The primary routes of entry and the symptoms of overexposure;

5470 (C) The proper precautions, handling practices, necessary personal protective
5471 equipment, and other safety precautions in the use of or exposure to the hazardous
5472 chemicals, including appropriate emergency treatment in case of overexposure;

5473 (D) The emergency procedures for spills, fire, disposal, and first aid;

5474 (E) A description in lay terms of the known specific potential health risks posed by the
5475 hazardous chemical intended to alert any person reading this information; and

5476 (F) The year and month, if available, that the information was compiled and the name,
5477 address, and emergency telephone number of the manufacturer responsible for
5478 preparing the information.

5479 ~~(16)~~(15) 'Mixture' means any combination of two or more chemicals, if the combination
5480 is not, in whole or in part, the result of a chemical reaction.

5481 ~~(17)~~(16) 'Occupational Safety and Health Administration standard' means the Hazard
5482 Communication Standard issued by the Occupational Safety and Health Administration,
5483 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987).

5484 ~~(18)~~(17) 'Person' means any individual, natural person, public or private corporation,
5485 incorporated association, government, government agency, partnership, or unincorporated
5486 association.

5487 ~~(19)~~(18) 'Physical hazard' means a chemical for which there is scientifically valid
5488 evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an
5489 organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

5490 ~~(20)~~(19) 'Produce' means to manufacture, process, formulate, or repackage.

5491 ~~(21)~~(20) 'Work area' means a room inside a building or structure, an outside area, or
5492 other defined space in a workplace where hazardous chemicals are produced, stored, or
5493 used and where employees are present in the course of their employment.

5494 ~~(22)~~(21) 'Workplace' means an establishment or business at one geographic location at
5495 which work is performed by a state employee and which contains one or more work
5496 areas. In the case of an independent contractor or subcontractor, the workplace shall be
5497 defined as all work areas wholly owned or controlled by such independent contractor or
5498 subcontractor.

5499 45-22-3.

5500 All hazardous chemicals introduced into the workplace by employers and used in the
5501 workplace by employees shall be in labeled containers that meet the requirements of the
5502 Occupational Safety and Health Administration standard; provided, however, that
5503 employers shall not be required to label portable containers into which hazardous
5504 chemicals are transferred from labeled containers provided that the portable container and
5505 the hazardous chemical transferred to it are intended only for the immediate use of an
5506 employee who performs the transfer or who is present at the time of such transfer.

5507 45-22-4.

5508 A public contractor who introduces hazardous materials into the workplace shall agree, and
5509 include a statement, in all bids, agreements, contracts, or other instrument to the effect that
5510 such contractor shall be responsible for compliance with the provisions of this chapter for
5511 persons employed by such contractor utilized under such contract. Any such public
5512 contractor who introduces hazardous chemicals into the workplace shall provide material
5513 safety data sheets for such chemicals to all employees using them and instruction in
5514 handling, emergency procedures, and disposal prior to introducing such hazardous
5515 chemicals. This Code section shall not be construed to place responsibility on any person,
5516 firm, or corporation other than public contractors.

5517 45-22-5.

5518 (a) The provisions of this chapter shall not apply to:

5519 (1) Impurities which develop as intermediate materials during chemical processing but
5520 are not present in the final mixture and to which employee exposure is unlikely;

5521 (2) Alcoholic beverages as defined in Title 3;

5522 (3) Articles intended for personal consumption by employees in the workplace;

5523 (4) Any consumer product or hazardous substance as those terms are defined in the
5524 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and Federal Hazardous
5525 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, including any such product
5526 or hazardous chemicals manufactured by any state agency, where the employer can
5527 demonstrate it is used in the workplace in the same manner as normal consumer use and
5528 which use results in a duration and frequency of exposure which is not greater than
5529 exposures experienced by consumers;

5530 (5) Articles sold or used in retail food establishments and retail trade establishments;

5531 (6) Chemicals which are merely being transported in the state as part of a shipment in
5532 interstate or intrastate commerce; or

5533 (7) Chemicals or mixtures which may be hazardous but which are covered by the federal
5534 Atomic Energy Act and the federal Resource Conservation and Recovery Act.

5535 (b) The provisions of this chapter shall not require labeling of the following chemicals:

5536 (1) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and
5537 Rodenticide Act, 7 U.S.C. Section 136, et seq., when such pesticide is subject to the
5538 labeling requirements of that federal act and labeling regulations issued under that federal
5539 act by the United States Environmental Protection Agency;

5540 (2) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary
5541 device, including materials intended for use as ingredients in such products, as such terms
5542 are defined in the federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq.,
5543 and regulations issued under that federal act, when subject to the labeling requirements
5544 under that federal act by the Food and Drug Administration;

5545 (3) Any distilled spirits, beverage alcohols, wine, or malt beverage intended for
5546 nonindustrial use as such terms are defined in the federal Alcohol Administration Act, 27
5547 U.S.C. Section 201, et seq., and regulations issued under that federal act, when subject
5548 to the labeling requirements of that federal act by the United States Bureau of Alcohol,
5549 Tobacco, and Firearms; or

5550 (4) Any consumer product or hazardous substance as those terms are defined in the
5551 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and the federal Hazardous
5552 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, when subject to a

5553 consumer product safety standard or labeling requirement of those federal acts or
5554 regulations issued under those federal acts by the Consumer Product Safety Commission.

5555 45-22-6.

5556 (a) The ~~department~~ Department of Fire Safety shall promulgate such rules and regulations
5557 as may be necessary to administer this chapter.

5558 (b) The ~~department~~ Department of Fire Safety shall consult with persons knowledgeable
5559 in the field of hazardous chemicals to assist the ~~department~~ Department of Fire Safety in
5560 carrying out its duties under this chapter.

5561 45-22-7.

5562 (a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare a
5563 material safety data sheet which, to the best knowledge of the manufacturer, importer, or
5564 distributor, is current, accurate, and complete, based on information then reasonably
5565 available to the manufacturer, importer, or distributor, and provide a copy of the material
5566 safety data sheet to employers who purchase such hazardous chemicals and an electronic
5567 copy to the ~~department~~ Department of Fire Safety annually.

5568 (b) Any person who produces a mixture may, for the purposes of this Code section,
5569 prepare and use a mixture material safety data sheet, subject to the provisions of subsection
5570 (j) of this Code section.

5571 (c) A manufacturer, importer, distributor, or employer may provide the information
5572 required by this Code section on an entire mixture, instead of on each hazardous chemical
5573 in it, when all of the following conditions exist:

5574 (1) Toxicity test information exists on the mixture itself or adequate information exists
5575 to form a valid judgment of the hazardous properties of the mixture itself and the material
5576 safety data sheet indicates that the information presented and the conclusions drawn are
5577 from some source other than direct test data on the mixture itself, and that a material
5578 safety data sheet on each constituent hazardous chemical identified on the material safety
5579 data sheet is available upon request;

5580 (2) Provision of information on the mixture will be as effective in protecting employee
5581 health as information on the ingredients;

5582 (3) The hazardous chemicals in the mixture are identified on the material safety data
5583 sheet unless it is unfeasible to describe all the ingredients in the mixture, provided that
5584 the reason why the hazardous chemicals in the mixture are not identified shall be stated
5585 on the material safety data sheet; and

5586 (4) A single mixture material safety data sheet may be provided for more than one
5587 formulation of a product mixture if the information provided does not vary for the
5588 formulation.

5589 (d) A manufacturer, importer, or distributor who is responsible for preparing and
5590 transmitting a material safety data sheet under the provisions of this Code section shall
5591 revise such material safety data sheet on a timely basis, as appropriate to the importance
5592 of any new information which would affect the contents of the existing material safety data
5593 sheet, and in any event within three months of such information becoming available to the
5594 manufacturer, importer, or distributor. Each such manufacturer, importer, or distributor
5595 shall provide a copy of the material safety data sheet to employers who have purchased
5596 such hazardous chemicals and an electronic copy to the ~~department~~ Department of Fire
5597 Safety.

5598 (e) Any person subject to the provisions of this Code section shall be relieved of the
5599 obligation to provide a direct purchaser of a hazardous chemical with a material safety data
5600 sheet if:

5601 (1) He or she has a record of having provided the direct purchaser with the most recent
5602 version of the material safety data sheet;

5603 (2) The chemical is labeled pursuant to:

5604 (A) The federal Atomic Energy Act; or

5605 (B) The federal Resource Conservation Recovery Act; or

5606 (3) The article is one sold at retail and is incidentally sold to an employer or the
5607 employer's employees in the same form, approximate amount, concentration, and manner
5608 as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article
5609 is not significantly greater than the consumer exposure occurring during the principal
5610 consumer use of the article.

5611 (f) If an employer is not supplied with a material safety data sheet by a manufacturer,
5612 importer, or distributor for a hazardous chemical subject to this Code section, such
5613 employer shall, within a reasonable amount of time after discovering that a material safety
5614 data sheet has not been supplied, use diligent efforts to obtain such material safety data
5615 sheet from the manufacturer, importer, or distributor. For purposes of this subsection,
5616 'diligent efforts' means a prompt inquiry by the employer to the manufacturer, importer, or
5617 distributor of the hazardous chemicals; provided, however, that an independent contractor
5618 or subcontractor shall be responsible for obtaining the material safety data sheet for his or
5619 her employees in the workplace of another.

5620 (g) If after having used diligent efforts, an employer still fails to obtain a material safety
5621 data sheet, such employer shall notify the ~~department~~ Department of Fire Safety of the
5622 employer's inability to obtain such material safety data sheet.

5623 (h) An employer who has used diligent efforts and who has made a documented
5624 notification to the ~~department~~ Department of Fire Safety pursuant to this Code section shall
5625 not be found in violation of this Code section with respect to the material safety data sheet
5626 which was not supplied by the manufacturer, importer, or distributor as required by this
5627 Code section.

5628 (i) Every employer who manufactures, produces, uses, applies, or stores hazardous
5629 chemicals in the workplace shall post a notice as prescribed by rule or regulation
5630 promulgated by the ~~department~~ Department of Fire Safety in a place where notices are
5631 normally posted, informing employees of their rights under this chapter.

5632 (j) Every employer who manufactures, produces, uses, applies, or stores hazardous
5633 chemicals in the workplace shall maintain a material safety data sheet for each hazardous
5634 chemical which is present in such workplace. All material safety data sheets shall be
5635 readily available in the workplace; provided, however, that employers who maintain one
5636 or more work areas which are not fixed at specific geographic locations shall be authorized
5637 to maintain material safety data sheets for each hazardous chemical used in such work area
5638 at a central location.

5639 (k)(1) A material safety data sheet may be kept in any form, including operations
5640 procedures, and may be designed to cover groups of hazardous chemicals in a work area
5641 where it may be appropriate to address the hazards of a process rather than individual
5642 hazardous chemicals. The employer shall ensure that in all cases the required information
5643 is provided for each hazardous chemical, and is readily accessible during each workshift
5644 to employees when they are in their work area; provided, however, that employers who
5645 maintain one or more work areas which are not fixed at specific geographic locations
5646 shall be authorized to maintain material safety data sheets for each hazardous chemical
5647 used in such work area at a central location.

5648 (2) Any employee may request in writing and shall have the right to examine and obtain
5649 the material safety data sheets for the hazardous chemicals to which he or she is, has
5650 been, or may be exposed. The employer shall provide any material safety data sheet
5651 within its possession within five of the requesting employee's working days, subject to
5652 the provisions of subsection (g) of this Code section. The employer may adopt
5653 reasonable procedures for acting upon such requests to avoid interruption of normal work
5654 operations.

5655 (3) An independent contractor or subcontractor working in the workplace of another
5656 employer may request in writing and shall have the right to examine the material safety
5657 data sheets for the hazardous chemicals to which such contractor, subcontractor, or
5658 employees thereof are, have been, or may be exposed. The employer shall provide any
5659 material safety data sheet within its possession within five of the requesting independent

5660 contractor's or subcontractor's working days, subject to the provisions of subsection (g)
5661 of this Code section. The employer may adopt reasonable procedures for acting upon
5662 such requests to avoid interruption of normal work operations.

5663 (4) If an employee who has requested a material safety data sheet pursuant to this chapter
5664 has not received such material safety data sheet within five of the requesting employee's
5665 working days, subject to the provisions of subsection (g) of this Code section, that
5666 employee may refuse to work with the chemical for which he or she has requested the
5667 material safety data sheet until such material safety data sheet is provided by the
5668 employer; provided, however, that nothing contained in this paragraph shall be construed
5669 to permit any employee to refuse to perform essential services, as such term is defined
5670 by rule or regulation; provided, further, that nothing in this paragraph shall be construed
5671 to interfere with the right of the employer to transfer an employee who so refuses to work
5672 to other duties until such material safety data sheet is provided, such a transfer not to be
5673 considered as a discriminatory act under Code Section 45-22-10. No pay, position,
5674 seniority, or other benefits shall be lost for exercise of any right provided by this chapter
5675 as a result of such a transfer.

5676 (l) No employer shall discharge or otherwise discriminate against an employee for the
5677 employee's assertion of the employee's rights under this chapter.

5678 (m) For the purposes of this Code section, an employer, independent contractor, or
5679 subcontractor shall maintain material safety data sheets for their own workplaces only;
5680 provided, however, that employees of such independent contractor or subcontractor, insofar
5681 as they are exposed in the course of their employment to hazardous chemicals in other
5682 workplaces, shall have the right to examine material safety data sheets for those chemicals
5683 to which they are exposed from the workplace employer through a written request to their
5684 own employer as provided in paragraph (2) of subsection (k) of this Code section.
5685 Nothing contained in this chapter shall be construed to require an employer to conduct
5686 studies to develop new information.

5687 45-22-8.

5688 (a) Each employer shall be required to comply with the minimum information standards
5689 set forth in this subsection. Each employee shall be informed of:

5690 (1) The requirements of this Code section;

5691 (2) What a material safety data sheet is and the contents of the material safety data sheet
5692 for any hazardous chemical to which he or she is exposed, or equivalent information,
5693 either in written form or through training programs;

5694 (3) Any operations in his or her work area where hazardous chemicals are present;

5695 (4) The location and availability of training programs;

5696 (5) His or her right to receive information regarding hazardous chemicals to which he
5697 or she may be exposed;

5698 (6) His or her right for his or her physician to receive information regarding hazardous
5699 chemicals to which the employee may be exposed; and

5700 (7) His or her right against discharge or other discrimination due to the employee's
5701 exercise of the rights provided by this chapter.

5702 (b) In addition to providing the information required by subsection (a) of this Code
5703 section, each employer shall be required to provide a training program for all employees
5704 who are exposed to hazardous chemicals in the normal course of their employment. When
5705 training employees who are exposed to hazardous chemicals, the employer shall explain
5706 any physical or health hazards associated with the use of the chemical or mixture; proper
5707 precautions for handling; necessary personal protective equipment or other safety
5708 precautions necessary to prevent or minimize exposure to the hazardous chemical; methods
5709 of observation that may be used to detect the presence or release of a hazardous chemical
5710 in a work area, including, but not limited to, spot check monitoring, continuous monitoring,
5711 or methods of visual or olfactory detection; the labeling system and the material safety data
5712 sheet, and how employees can obtain and use the appropriate hazard information; and
5713 emergency procedures for spills, fire, disposal, and first aid. This information may relate
5714 to an entire class of hazardous chemicals to the extent appropriate and related to the job.
5715 Whenever any employer receives a new or revised material safety data sheet, such
5716 information shall be provided to employees on a timely basis not to exceed 30 days after
5717 receipt, if the new information indicates significantly increased risks to or measures
5718 necessary to protect employee health as compared to those stated on a material safety data
5719 sheet previously provided.

5720 (c) The ~~department~~ Department of Fire Safety shall by rule or regulation establish
5721 minimum information and training standards for compliance with this Code section.

5722 45-22-9.

5723 On and after July 1, 1989, each employer shall publish in print or electronically in January
5724 and July of each year a list of hazardous chemicals that its employees use or are exposed
5725 to in the workplace. Such list shall be available for public inspection at the workplace
5726 office. A comprehensive list of all hazardous chemicals used by the employer shall also be
5727 available for public inspection at the employer's state headquarters.

5728 45-22-10.

5729 (a) No person shall discharge or cause to be discharged or otherwise discipline or in any
5730 manner discriminate against any employee for any of the following reasons:

5731 (1) The employee has requested information regarding hazardous chemicals, filed any
5732 complaint or action, or has instituted, or caused to be instituted, any proceeding under this
5733 chapter;

5734 (2) The employee has testified or is about to testify in any proceeding in his or her own
5735 behalf or on behalf of others; or

5736 (3) The employee has exercised any other right afforded pursuant to the provisions of
5737 this chapter.

5738 (b) No pay, position, seniority, or other benefits shall be lost for exercise of any right
5739 provided by this chapter.

5740 45-22-11.

5741 (a) In order to enforce the provisions of this chapter, any employee adversely affected by
5742 a violation of this chapter by that employee's employer may file a grievance in accordance
5743 with the employer's established grievance procedures. Appointing authorities shall pursue
5744 all complaints concerning occupational exposure to hazardous chemicals.

5745 (b) Upon any violation of Code Section 45-22-4 by a contractor, the employer under
5746 agreement with such contractor shall have the right to terminate the contract without
5747 liability.

5748 (c) Nothing in this chapter shall change or modify the right or ability of employers to
5749 dismiss or discipline employees in accordance with the laws of this state.

5750 (d) Any employee dissatisfied with a final decision of an appointing authority with regard
5751 to a grievance filed pursuant to subsection (a) of this Code section shall be entitled to
5752 judicial review in the same manner as provided for judicial review of contested cases in
5753 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

5754 45-22-12.

5755 Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity
5756 of the state or any branch, department, board, bureau, commission, authority, or other
5757 agency of the state. A violation of the provisions of this chapter shall not be the basis for
5758 an action for damages against the state or any branch, department, board, bureau,
5759 commission, authority, or other agency of the state or any member, officer, or employee
5760 of the state or any branch, department, board, bureau, commission, authority, or other
5761 agency of this state and said entities and persons are granted immunity from civil actions
5762 for damages for any violation of the provisions of this chapter."

5763

PART XVI

5764

SECTION 16-1.

5765 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
 5766 general provisions regarding administrative procedure, is amended by revising Code Section
 5767 50-13-21, relating to compliance with filing and hearing requirements by Safety Fire
 5768 Commissioner and Commissioner of Insurance, as follows:

5769 "50-13-21.

5770 (a) As to such regulations, standards, and plans as are required by law to be filed and kept
 5771 on file with the office of the Secretary of State, the ~~Commissioner of Insurance, when~~
 5772 ~~performing the duties as Safety Fire Commissioner,~~ commissioner of fire safety may
 5773 comply with the filing requirements of this chapter by filing with the office of the Secretary
 5774 of State merely the name and designation of such regulations, standards, and plans,
 5775 provided that the regulations, standards, and plans are kept on file in the office of the
 5776 ~~Commissioner of Insurance~~ commissioner of fire safety by the titles otherwise applicable
 5777 under this chapter and the regulations, standards, and plans are open for public examination
 5778 and copying. The ~~Commissioner of Insurance, when performing the duties as Safety Fire~~
 5779 ~~Commissioner,~~ commissioner of fire safety may also satisfy the procedure for conduct of
 5780 hearings on contested cases and rule making required under this chapter by following
 5781 Chapter 2 of Title 33.

5782 (b) The Commissioner of Insurance, ~~when performing the duties as Commissioner of~~
 5783 ~~Insurance,~~ may satisfy the procedure for conduct of hearings on contested cases required
 5784 under this chapter by following Chapter 2 of Title 33. ~~When the Commissioner of~~
 5785 ~~Insurance is performing rule-making duties as~~ The Commissioner of Insurance, he shall
 5786 satisfy the procedures required under this chapter and under Chapter 2 of Title 33. In the
 5787 event of any conflicts between rule-making procedures of this chapter and Chapter 2 of
 5788 Title 33 as it respects duties of the Commissioner of Insurance, this chapter shall govern."

5789

PART XVII

5790

SECTION 17-1.

5791 Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to standards and
 5792 requirements for construction, alteration, etc., of buildings and other structures, is amended
 5793 by revising subdivision (9)(B)(ii)(D) of Code Section 8-2-20, relating to definitions, as
 5794 follows:

5795 "(D) The term 'state minimum standard codes' shall specifically not include the Georgia
 5796 State Fire Code as adopted by the ~~Safety Fire Commissioner~~ commissioner of fire

5797 safety pursuant to Code Section 25-2-13 nor shall any state minimum standard code be
5798 less restrictive than the Georgia State Fire Code."

5799 **SECTION 17-2.**

5800 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
5801 Section 8-2-24, relating to appointment of advisory committee, reimbursement of members
5802 for expenses, use of subcommittees, submittal or proposed amendments, modifications, and
5803 new provisions to committee, and meeting times of committee, as follows:

5804 "(1) The ~~Safety Fire Commissioner~~ commissioner of fire safety or his or her designee as
5805 an ex officio member with full voting privileges;"

5806 **SECTION 17-3.**

5807 Said chapter is further amended by revising paragraph (4) of subsection (c) of Code Section
5808 8-2-31, relating to effect of part, as follows:

5809 "(4) The Georgia State Fire Code as adopted by the ~~Safety Fire Commissioner~~
5810 commissioner of fire safety pursuant to Code Section 25-2-13."

5811 **SECTION 17-4.**

5812 Said chapter is further amended by revising Code Section 8-2-202, relating to definitions, as
5813 follows:

5814 "8-2-202.

5815 As used in this article, the term:

5816 (1) 'Enforcement authority' means the ~~Safety Fire Commissioner~~ commissioner of fire
5817 safety, the state fire marshal, local building officials, local fire marshals, or any other
5818 state or local officials responsible for the implementation, application, or enforcement of
5819 any state law or local ordinance relating to building construction, or any state or local rule
5820 or regulation relating to building construction, or any building, mechanical, electrical,
5821 plumbing, life safety or fire prevention codes, or other construction standards that apply
5822 or are intended to apply to existing buildings. The term 'enforcement authority' also
5823 means any local official designated by the local governing authority as the enforcement
5824 authority for the purposes of this article.

5825 (2) 'Existing building or structure' means any completed building or structure which has
5826 been placed in service for a minimum of five years.

5827 (3) ~~'Safety Fire Commissioner' or 'Commissioner' means the office created in Code~~
5828 ~~Section 25-2-2."~~

SECTION 17-5.

5829
5830 Said chapter is further amended by revising Code Section 8-2-203, relating to effect of article
5831 on state and local enforcement authorities, as follows:

5832 "8-2-203.

5833 The provisions of this article shall be mandatory and binding on the commissioner of fire
5834 safety, state fire marshal, ~~the Safety Fire Commissioner~~, and other state officials
5835 responsible for state building code, fire code, life safety code, or other construction code
5836 enforcement. This article is not mandatory or binding on local enforcement authorities;
5837 provided, however, that any local building, fire, life safety, plumbing, electrical,
5838 mechanical, or other construction code enforcement authority may apply the applicable
5839 provisions of this article to any existing building whenever the local governing authority
5840 has adopted this article by reference and whenever such local code enforcement authority
5841 determines the need to utilize compliance alternatives to any provisions of the rules,
5842 regulations, codes, or standards he or she is empowered to interpret, apply, or enforce
5843 under authority of any state law or local ordinance. This article is a tool for use of code
5844 enforcement authorities to use as deemed appropriate in attempting to resolve problems
5845 encountered while enforcing codes and standards with regard to existing buildings and
5846 structures. Enforcement authorities should advise appropriate appeals boards of the
5847 provisions, purposes, and intent of this article."

SECTION 17-6.

5848
5849 Said chapter is further amended by revising Code Section 8-2-220, relating to rules and
5850 regulations, as follows:

5851 "8-2-220.

5852 The ~~Safety Fire Commissioner~~ commissioner of fire safety shall promulgate reasonable
5853 rules and regulations to implement and carry out the requirements of this article."

SECTION 17-7.

5854
5855 Said chapter is further amended by revising Code Section 8-2-221, relating to appeals of
5856 rulings or decisions, as follows:

5857 "8-2-221.

5858 Should any person, firm, corporation, or other entity be dissatisfied with any ruling or
5859 decision of the state fire marshal pursuant to the provisions of this article, the right is
5860 granted to appeal within ten days to the ~~Commissioner~~ commissioner of fire safety. If the
5861 person, firm, corporation, or other entity is dissatisfied with the decision of the
5862 ~~Commissioner~~ commissioner of fire safety, appeal is authorized to the superior court within
5863 30 days in the manner provided under Chapter 13 of Title 50-, the 'Georgia Administrative

5864 Procedure Act. In the event of such appeal, the person, firm, corporation, or other entity
 5865 shall give a surety bond which will be conditioned upon compliance with the order and
 5866 direction of the ~~state fire marshal or the Commissioner or both~~ commissioner of fire safety.
 5867 The amount of bond shall be fixed by the ~~Commissioner~~ commissioner of fire safety in
 5868 such amount as will reasonably cover the order issued by the ~~Commissioner~~ commissioner
 5869 of fire safety or the state fire marshal or both."

5870 **SECTION 17-8.**

5871 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 5872 amended by revising Code Section 25-3-6, relating to effect of article on powers and duties
 5873 of other officials and departments, as follows:

5874 "25-3-6.

5875 This article shall not affect the duties, powers, or responsibilities of the Safety Fire
 5876 Commissioner, the commissioner of fire safety, the Department of Fire Safety, the state fire
 5877 marshal, the sheriff's office, the Department of Public Safety, local law enforcement
 5878 agencies, the Department of Agriculture, the Department of Natural Resources, the State
 5879 Forestry Commission, the Department of Transportation, the Department of Defense, or
 5880 the Department of Public Health."

5881 **SECTION 17-9.**

5882 Chapter 3 of Title 30 of the Official Code of Georgia Annotated, relating to access to and use
 5883 of public facilities by persons with disabilities, is amended by revising paragraph (4) of Code
 5884 Section 30-3-2, relating to definitions, as follows:

5885 "(4) 'Commissioner' means the ~~Safety Fire Commissioner provided for in Chapter 2 of~~
 5886 ~~Title 25~~ commissioner of fire safety."

5887 **SECTION 17-10.**

5888 Said chapter is further amended by revising Code Section 30-3-3, relating to applicable
 5889 standards and specifications and granting of exemptions, as follows:

5890 "30-3-3.

5891 All government buildings, public buildings, and facilities receiving permits for construction
 5892 or renovation after July 1, 1995, shall comply with the rules and regulations adopted by the
 5893 ~~Commissioner~~ commissioner which meet ADAAG and establish the minimum state
 5894 standards for accessibility. All government buildings, public buildings, and facilities
 5895 receiving permits for construction or renovation after July 1, 1984, but before July 1, 1987,
 5896 shall comply with the American National Standards Institute specifications A117.1-1980
 5897 or A117.1-1986 for making buildings and facilities accessible to and usable by people with

5898 disabilities except as otherwise provided in paragraph (10) of Code Section 30-3-2; and all
 5899 government buildings, public buildings, and facilities receiving permits for construction
 5900 or renovation after July 1, 1987, but before July 1, 1995, shall comply with the American
 5901 National Standards Institute specifications A117.1-1986 for making buildings and facilities
 5902 accessible to and usable by people with disabilities except as otherwise provided in
 5903 paragraph (10) or subparagraph (C) of paragraph (11) of Code Section 30-3-2; provided,
 5904 however, that nothing in this Code section is intended to require the addition of an elevator
 5905 where none exists or is planned, solely for the purpose of providing an accessible route
 5906 between floor levels; and provided, further, that the ~~Safety Fire Commissioner~~
 5907 commissioner or, where applicable, the Board of Regents of the University System of
 5908 Georgia or the local governing authority having jurisdiction over the buildings in question
 5909 upon receipt of a sworn written statement from the person who owns or controls the use of
 5910 any government building, public building, or facility subject to the requirements of this
 5911 chapter and after taking all circumstances into consideration may determine that full
 5912 compliance with any particular standard or specification set forth in this chapter is
 5913 impractical, whereupon there shall be substantial compliance with the standards or
 5914 specifications to the maximum extent practical and, within 45 days of such determination,
 5915 a written record shall be made by the ~~Safety Fire Commissioner~~ commissioner or, where
 5916 applicable, the board of regents or the local governing authority having jurisdiction over
 5917 the buildings in question, setting forth the reasons why it is impractical for the person
 5918 subject to this chapter to comply fully with the particular standard or specification and also
 5919 setting forth the extent to which the government building, public building, or facility shall
 5920 conform with the standard or specification. The ~~Safety Fire Commissioner~~ commissioner
 5921 or, where applicable, the board of regents or the local governing authority having
 5922 jurisdiction over the buildings in question shall be responsible for making a final
 5923 determination as to whether or not an exemption shall be granted."

5924

SECTION 17-11.

5925 Said chapter is further amended by revising Code Section 30-3-7, relating to administration
 5926 and enforcement of chapter, as follows:

5927 "30-3-7.

5928 (a)(1) Except for buildings under the jurisdiction of the Board of Regents of the
 5929 University System of Georgia, all buildings subject to the jurisdiction of the ~~Safety Fire~~
 5930 ~~Commissioner~~ Department of Fire Safety pursuant to Code Section 25-2-12 and
 5931 subsection (c) of Code Section 25-2-13 shall be subject to the jurisdiction of the ~~Safety~~
 5932 ~~Fire Commissioner~~ commissioner for purposes of enforcement of this chapter.

5933 (2) With respect to any such building, the ~~Safety Fire Commissioner~~ commissioner shall
 5934 have the following powers and duties:

5935 (A) No such building shall be built in this state by any private person or corporation
 5936 or public entity unless it conforms to the requirements of Code Sections 30-3-3 and
 5937 30-3-5 and its plans and specifications have been approved by the ~~Commissioner~~
 5938 commissioner as provided in this subparagraph. All plans and specifications shall
 5939 identify the architect or engineer who prepared them in a manner acceptable to the
 5940 ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner shall approve the plans
 5941 and specifications only if they conform to the requirements of this chapter. The
 5942 ~~Commissioner~~ commissioner shall not require any additional fee for each submission
 5943 of plans or specifications other than the standard fee required by Code Section 25-2-4.1.
 5944 No local governing authority shall issue any building permit for any building subject
 5945 to this subsection without proof of the approval required by this subparagraph;

5946 (B) In any case where the ~~Commissioner~~ commissioner denies approval under
 5947 subparagraph (A) of this paragraph or an exemption under subparagraph (C) of this
 5948 paragraph, the rights and remedies of the person submitting the same shall be those
 5949 provided by Chapter 2 of Title 33; and

5950 (C) Upon a showing that full compliance with any particular requirement or
 5951 requirements is impractical or not necessary to accomplish the purposes of this chapter,
 5952 the ~~Commissioner~~ commissioner may exempt a building from full compliance with the
 5953 requirement or requirements and approve plans and specifications which do not
 5954 conform, or which only partially conform, to the requirement or requirements.

5955 (b) The board of regents shall be responsible for the administration and enforcement of this
 5956 chapter with respect to all buildings and facilities under its jurisdiction. No construction
 5957 plans for any such building or facility shall be approved by the board of regents for any
 5958 construction within the University System of Georgia unless the building or facility
 5959 conforms to Code Sections 30-3-3 and 30-3-5 and unless the architect or engineer
 5960 responsible for preparation of said plans and specifications affixes that person's seal on
 5961 such plans. The affixing of the seal of an architect or engineer to said plans shall constitute
 5962 a certification that to the best of that person's knowledge, information, and belief they have
 5963 been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate of
 5964 compliance may be displayed on said plans in lieu of the architect's or engineer's seal. The
 5965 builder, developer, contractor, or building owner following said plans shall require an
 5966 architect's or engineer's seal or a certificate of compliance to be displayed on the plans
 5967 before starting construction.

5968 (c) Local governing authorities shall be responsible for the administration and enforcement
 5969 of this chapter with regard to all government and public buildings and facilities which are

5970 not under the jurisdiction of the ~~Safety Fire Commissioner~~ commissioner or board of
 5971 regents, pursuant to subsections (a) and (b) of this Code section and which are under the
 5972 jurisdiction of such local governing authorities. No building permit for any such building
 5973 or facility shall be approved by any local governing authority for any private person,
 5974 corporation, partnership, association, or public entity unless the plans and specifications
 5975 conform to the requirements of Code Sections 30-3-3 and 30-3-5 and unless the architect
 5976 or engineer responsible for preparation of said plans and specifications affixes that person's
 5977 seal on such plans. The affixing of the seal of an architect or engineer to said plans shall
 5978 constitute a certification that to the best of that person's knowledge, information, and belief
 5979 they have been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate
 5980 of compliance may be displayed on said plans in lieu of the architect's or engineer's seal.
 5981 The builder, developer, contractor, or building owner following said plans shall require
 5982 such a seal or a certificate of compliance on the plans before starting construction. All
 5983 construction plans must display such a certificate of compliance, or a seal provided by the
 5984 architect or engineer, for all construction in local governing jurisdictions which do not
 5985 require building permits. In all areas where local governing authority building permits are
 5986 not required, the builder, developer, contractor, or building owner following said plans
 5987 shall require such an architect's or engineer's seal or a certificate of compliance to be
 5988 displayed on the plans before starting construction.

5989 (d) In the performance of their responsibilities under this chapter, all state rehabilitation
 5990 agencies and appropriate elected or appointed officials shall be required to cooperate with
 5991 and assist the ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the
 5992 appropriate local building code officials or local fire department, or any combination
 5993 thereof, having jurisdiction over the buildings in question.

5994 (e) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
 5995 building code officials or the local fire department, or any combination thereof, having
 5996 jurisdiction over the buildings in question shall from time to time inform, in writing,
 5997 professional organizations and others of this chapter and its application.

5998 (f)(1) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
 5999 governing authority having jurisdiction over the buildings in question shall have all
 6000 necessary powers to require compliance with their rules, regulations, and procedures, and
 6001 modifications thereof and substitutions therefor, including powers to institute and
 6002 prosecute proceedings in the superior court to compel compliance, and shall not be
 6003 required to pay any entry or filing fee in connection with the institution of such
 6004 proceedings.

6005 (2) No person, firm, or corporation shall be subject to a complaint for not complying
 6006 with the provisions of subparagraph (C) of paragraph (11) of Code Section 30-3-2 unless

6007 90 days have passed since such person, firm, or corporation has been notified by certified
 6008 mail or statutory overnight delivery of the alleged violation of the provisions of
 6009 subparagraph (C) of paragraph (11) of Code Section 30-3-2. Such notification shall
 6010 include a warning of an impending complaint if the alleged violation is not corrected
 6011 before the expiration of the 90 day warning period. The 90 day warning period shall not
 6012 apply to any structure or facility other than parking lots nor to any part of this chapter
 6013 other than subparagraph (C) of paragraph (11) of Code Section 30-3-2.

6014 (g) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
 6015 governing authority having jurisdiction over the buildings in question, after consultation
 6016 with state rehabilitation agencies and other sources as they might determine, are authorized
 6017 to promulgate such rules, regulations, and procedures as might reasonably be required to
 6018 implement and enforce their responsibilities under this chapter. Such rules, regulations, and
 6019 procedures shall not be less restrictive than those established by the ~~Commissioner~~
 6020 commissioner.

6021 (h) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
 6022 governing authority having jurisdiction over the buildings in question, after consultation
 6023 with state rehabilitation agencies, are also authorized to waive any of the standards and
 6024 specifications presently set forth in this chapter and to substitute in lieu thereof standards
 6025 or specifications consistent in effect to such standards or specifications heretofore adopted
 6026 by the American Standards Association, Inc."

6027 **SECTION 17-12.**

6028 Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to regulation and
 6029 licensing of assisted living communities, legislative intent, definitions, procedures, and
 6030 requirements for medication aides, is amended by revising paragraph (4) of subsection (b)
 6031 and subsection (e) as follows:

6032 "(4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an
 6033 assisted living community, to a designated point of safety and within an established
 6034 period of time as determined by the ~~Office of the Safety Fire Commissioner~~ Department
 6035 of Fire Safety. Assisted self-preservation is a function of all of the following:

6036 (A) The condition of the individual;

6037 (B) The assistance that is available to be provided to the individual by the staff of the
 6038 assisted living community; and

6039 (C) The construction of the building in which the assisted living community is housed,
 6040 including whether such building meets the state fire safety requirements applicable to
 6041 an existing health care occupancy."

6042 "(e) An assisted living community shall maintain fire detection and prevention equipment,
 6043 including visual signals with alarms for hearing impaired residents, in accordance with
 6044 manufacturer instructions and the requirements of the ~~Office of the Safety Fire~~
 6045 ~~Commissioner~~ Department of Fire Safety."

6046 **SECTION 17-13.**

6047 Code Section 33-2-9 of the Official Code of Georgia Annotated, relating to rules and
 6048 regulations adopted by the Commissioner of Insurance, is amended by revising subsection (e)
 6049 as follows:

6050 "(e) Neither the ~~Commissioner, whether acting as Commissioner of Insurance or Safety~~
 6051 ~~Fire~~ Commissioner of Insurance, nor the department, nor the ~~Safety Fire Division of the~~
 6052 ~~office of the Commissioner~~ commissioner of fire safety shall propose or adopt rules or
 6053 regulations relating to the sale or dispensing of gasoline or diesel fuel to the general public
 6054 by any business entity unless such rules or regulations require such sale or dispensing to
 6055 be under the direct control and visual supervision of an on-site employee of such business
 6056 entity."

6057 **SECTION 17-14.**

6058 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 6059 by revising subsection (c) of Code Section 42-4-31, relating to required safety and security
 6060 measures, as follows:

6061 "(c) The officer in charge of a detention facility shall have the facility inspected
 6062 semiannually by an officer from the state fire marshal's office or an officer selected by
 6063 the ~~Safety Fire Commissioner~~ commissioner of fire safety. Each detention facility shall
 6064 be required to comply with this article with regard to fire safety and the applicable rules
 6065 and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner of fire
 6066 safety. The inspecting officer shall fill out a form provided by the officer in charge and
 6067 the form shall be posted in a conspicuous place by the officer in charge, thereby
 6068 evidencing inspection of the facility."

6069 **SECTION 17-15.**

6070 Code Section 43-14-13 of the Official Code of Georgia Annotated, relating to applicability
 6071 of chapter, is amended by revising subsection (o) as follows:

6072 "(o) This chapter shall not prohibit any propane dealer who is properly insured as required
 6073 by law and who holds a liquefied petroleum gas license issued by the ~~Safety Fire~~
 6074 ~~Commissioner~~ commissioner of fire safety from installing, repairing, or servicing a propane
 6075 system or the gas piping or components of such system; provided, however, that such

6076 propane dealers shall be prohibited from performing the installation of conditioned air
6077 systems or forced air heating systems unless licensed to do so under this chapter."

6078 **SECTION 17-16.**

6079 Article 1 of Chapter 14 of Title 45 of the Official Code of Georgia Annotated, relating to
6080 general provisions regarding the Commissioner of Insurance, is amended by revising Code
6081 Section 45-14-3, relating to duties as Safety Fire Commissioner and Industrial Loan
6082 Commissioner, as follows:

6083 "45-14-3.

6084 The Commissioner of Insurance shall be ~~the Safety Fire Commissioner and the Industrial~~
6085 Loan Commissioner."

6086 **SECTION 17-17.**

6087 Said article is further amended by revising Code Section 45-14-5, relating to seal, as follows:

6088 "45-14-5.

6089 The Commissioner of Insurance, ~~Safety Fire Commissioner~~, and Industrial Loan
6090 Commissioner shall have an official seal for each office of such design as he or she shall
6091 select with the approval of the Governor."

6092 **PART XVIII**

6093 **SECTION 18-1.**

6094 This Act shall become effective on July 1, 2019.

6095 **SECTION 18-2.**

6096 All laws and parts of laws in conflict with this Act are repealed.