

SECOND REGULAR SESSION

# HOUSE BILL NO. 2104

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AMATO.

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JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 320.127, RSMo, and to enact in lieu thereof one new section relating to outdoor fireworks displays.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 320.127, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.127, to read as follows:

320.127. 1. **Notwithstanding any provision of law to the contrary, a special permit issued by the state fire marshal or local fire service authority under this section is required for any commercial outdoor fireworks display or commercial display before a proximate audience, whether on public or private property.**

2. Permits for outdoor fireworks displays or displays before a proximate audience may be granted to municipalities, fair associations, amusement parks, organizations, persons, firms, or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the outdoor fireworks display or the display before a proximate audience is proposed to be held. All applications submitted to the state fire marshal for an outdoor fireworks display permit or a display before a proximate audience permit shall be submitted to the office of the state fire marshal a minimum of ten working days prior to the date of the event. The application shall be made on a form provided or approved by the state fire marshal. Every such outdoor fireworks display or display before a proximate audience shall be supervised, managed, or directed by a Missouri licensed display operator, or pyrotechnic effects operator on site and shall be located, discharged, or fired so as in the opinion of the permitting authority, after proper inspection based on the National Fire Protection Association standards, NFPA 1123,

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 1124, and 1126, to not be hazardous to any person or property. A copy of all permits issued  
19 for outdoor fireworks displays or displays before a proximate audience issued by a local fire  
20 service authority shall be forwarded by the permit holder to the state fire marshal's office  
21 upon request. No permit granted hereunder shall be transferable and each permit shall apply  
22 to only one location.

23 ~~[2-]~~ 3. Before issuing any permit for outdoor fireworks display or a display before a  
24 proximate audience, the municipality, fair association, amusement park, organization, firm,  
25 persons, or corporation making application therefore shall furnish proof of financial  
26 responsibility in an amount established by promulgated rule to the permitting authority in  
27 order to satisfy claims for damages to property or personal injuries arising out of any act or  
28 omission on the part of such person, firm, or corporation or any agent or employee thereof.

29 ~~[3-]~~ 4. Any establishment, venue, or shoot site where an outdoor fireworks display or  
30 a display before a proximate audience is to take place shall be inspected by the state fire  
31 marshal or local fire department having jurisdiction for compliance with NFPA 1123 Code for  
32 Fireworks Display, NFPA 1126 Code for the Use of Pyrotechnics Before a Proximate  
33 Audience, and NFPA 101 Life Safety Code or equivalent nationally recognized code in  
34 relation to means of egress, occupancy load, and automatic sprinkler and fire alarm systems.  
35 All permits issued shall be forwarded to the state fire marshal by the permit holder, upon the  
36 state fire marshal's request. Permits shall be issued in the same manner as those required in  
37 this section.

38 ~~[4-]~~ 5. Notwithstanding any provisions of this section to the contrary, a holder of a  
39 valid state-issued display operator license conducting a private outdoor firework display for a  
40 noncommercial purpose shall not be subject to the permitting requirements in subsections ~~[1-]~~  
41 2 through ~~[3]~~ 4 of this section; provided, however, that all such noncommercial, private  
42 outdoor firework displays shall be conducted in compliance with NFPA 1123 and any  
43 ordinance, rule, or regulation promulgated by the local authority having jurisdiction over the  
44 location where the private outdoor firework display will be held. The state fire marshal may,  
45 through its rulemaking authority set out in chapters 320 and 536, establish a reasonable  
46 notice-only rule requiring the licensed display operator to notify the local authority having  
47 jurisdiction over such matters at least five calendar days prior to the private outdoor firework  
48 display event described in this subsection. For the purposes of this section, "noncommercial  
49 purpose" shall mean not connected with or engaged in for a commercial purpose or in  
50 exchange for any monetary consideration.

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