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**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**OFFICE OF STATE FIRE MARSHAL**

CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

71-8300 through 71-8306. Article 8, Office of State Fire Marshal

**Synopsis:**

 The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal, proposes to eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.

 A Notice of Drafting was published in the *State Register* on October 24, 2014.

**Instructions:**

 Regulations 71-8300 through 71-8306 are amended as shown below.

**Text:**

SUBARTICLE 1

FIRE PREVENTION AND LIFE SAFETY

71-8300. FIRE PREVENTION AND LIFE SAFETY.

(Statutory Authority: 1976 Code Sections 23-9-60, 39-41-260, 40-82-70)

71-8300.1. General.

 A. Title. These regulations shall be known as the State Fire Marshal's Rules and Regulations.

 B. Intent.

 1. The purpose of these regulations is:

 a. to safeguard to a reasonable degree, life and property from fire, explosion, dangerous conditions, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises, and

 b. to provide safety to fire fighters and emergency responders during emergency situations.

 2. These regulations shall be the minimum standards required by the Office of State Fire Marshal (OSFM) for fire prevention and life safety in South Carolina for all buildings and structures.

 C. Applicability.

 1. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

 2. All buildings, structures, or premises shall be constructed, altered, or repaired in conformance with these regulations.

 3. All equipment or systems in a building, structure, or premise shall be constructed, installed, altered, or repaired in conformance with these regulations.

 4. These regulations become effective immediately upon the publication as final regulations in the South Carolina State Register.

 5. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to S.C. Code Ann. Section 6-9-5 et. seq., 1976, as amended, by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall apply.

6. These regulations shall not apply to:

 a. Buildings constructed, or occupied exclusively as one and two-family dwellings, unless amended by these or other state regulations. Conversion of such buildings to another use that is not regulated under the IRC but is regulated under the IBC is considered a change of occupancy, and such buildings must comply with the applicable provisions of the IBC for such a change of use.

 D. Existing Buildings.

 1. Existing buildings, structures, or premises shall be permitted to continue in operation under the code the buildings, structures, or premises were constructed unless addressed by these regulations or state statute.

 2. Alterations, repairs, additions, and rehabilitation to an existing building, structure, or premise shall fully comply with the current codes.

 3. Change of use or occupancy of an existing building shall comply with the current code requirements for change of occupancy classification.

 E. Acronyms and Definitions: The following references apply throughout these regulations. Words not defined in these regulations shall have the meaning stated in the referenced codes and standards adopted by these regulations.

 1. "AHJ" means Authority Having Jurisdiction, which is the SFM, or his agents, or any local fire official covered by S.C. Code Ann. Section 23-9-30, 1976, as amended.

 2. “ATF” means the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

 3. “Bulk hydrogen compressed gas system” means an assembly of equipment that consists of, but is not limited to, storage containers, pressure regulators, pressure relief devices, compressors, manifolds, and piping with a storage capacity of more than 400 cubic feet (approximately 3000 gal.) of compressed hydrogen gas (or 5000 scf), including unconnected reserves on hand at the site, and terminates at the source valve.

 4. "Bulk liquefied hydrogen gas system” means an assembly of equipment that consists of, but is not limited to, storage containers, pressure regulators, pressure relief devices, vaporizers, liquid pumps, compressors manifolds, and piping, with a storage capacity of more than 39.7 gal. of liquidized hydrogen, including unconnected reserves on hand at the site, and terminates at the source valve.

 5. "Citation" means a summons to appear before the OSFM because of a violation of any part or all of this regulation and may carry a monetary fine of up to $2,000 per violation.

 6. "Consumer Fireworks" means any small device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336 and UN0337 by the USDOT at 49 CFR 172.101. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder. Consumer fireworks are further defined as those classified by the USDOT hazard classification 1.4g. These fireworks were formerly known as "Class C Fireworks."

 7. “Container” means all vessels including, but not limited to tanks, cylinders, or pressure vessels used for the storage of hydrogen.

 8. "Department" means the Department of Labor, Licensing and Regulation, Division of Fire and Life Safety.

 9. "Display Fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than two (2) grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "Consumer Fireworks." Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the USDOT at 49 CFR 172.101. This term also includes fused setpieces containing components which together exceed fifty (50) mg of salute powder. Display fireworks are further defined as those classified by the USDOT as hazard classification 1.3g. These fireworks were formerly known as "Class B Fireworks."

 10. "DOI" means the Department of Insurance.

 11. "DSS" means the Department of Social Services.

 12. “Engineered hydrogen systems” means systems or equipment that is custom designed for a particular application.

 13. "Existing Building" means a building, structure, or premise for which preliminary or final drawings have been approved by the appropriate agency as provided in these regulations, in buildings where construction has begun, or those occupied on or before the date of adoption of these regulations.

 14. "Fire Prevention" means any activity to prevent fire before fire occurs.

 15. "Fireworks" means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "consumer fireworks" or "display fireworks" as defined by this section.

 16. "Firm" means any person, partnership, corporation, association, or governmental entity.

 17. "Fixed Fire Extinguishing System" means a pre-engineered fire extinguishing system.

 18. “Hydrogen” is an element of the periodic table which, at room temperature and pressure, but can be compressed and/or refrigerated into a liquefied state.

 19. “Hydrogen facility” is a fueling station or a fuel cell site that will store or dispense hydrogen for use as a transportation fuel, motor fuel, or in a fuel cell.

 20. “Hydrogen generation system” means a packaged, factory matched, or site constructed hydrogen gas generation appliance or system such as (a) an electrolyzer that uses electrochemical reactions to electrolyze water to produce hydrogen gas; (b) a reformer that converts hydrocarbon fuel to a hydrogen-rich stream of composition and condition suitable for a type of device using the hydrogen. It does not include hydrogen generated as a byproduct of a waste treatment process.

 21. "IBC" means the International Building Code.

 22. “ICC” means the International Code Council.

 23. "IFC" means the International Fire Code.

 24. "IFGC" means the International Fuel Gas Code.

 25. “IRC” means the International Residential Code.

 26. "LP-Gas" means Liquefied Petroleum Gas as defined in 40-82-20.

 27. "Motion Picture" means, for the purposes of this item, any audiovisual work with a series of related images either on film, tape, or other embodiment, where the images shown in succession impart an impression of motion together with accompanying sound, if any, which is produced, adapted, or altered for exploitation as entertainment, advertising, promotional, industrial, or educational media.

 28. "MSDS(s)" means Material Safety Data Sheet(s).

 29. "NFPA" means the National Fire Protection Association.

 30. "OSFM" means the Office of State Fire Marshal.

 31. "Person" means an individual, partnership, or corporation;

 32. "Portable Fire Extinguisher" means a portable device containing extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.

 33. “Pre-engineered hydrogen system” means a system or device that has been designed with the intention of mass production and sales to the public, which uses or produces hydrogen in its function.

 34. "Proximate Audience" means any indoor use of pyrotechnics and the use of pyrotechnics before an audience located closer than the distances allowed by NFPA 1123.

 35. "Public Firework Display" means a presentation of Display or Consumer Fireworks for a public gathering.

 36. "Pyrotechnics" means any composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

 37. “S.C.” means South Carolina.

 38. "Servicing" includes maintenance, recharging, or hydrostatic testing of a Portable Fire Extinguisher or a Fixed Fire Extinguishing System.

 39. "SFM" means the State Fire Marshal or his agent.

 40. "Theatrical Pyrotechnics" means pyrotechnic devices for professional use in the entertainment industry similar to consumer fireworks in chemical composition and construction but not intended for consumer use.

 41. "USDOT" means U.S. Department of Transportation.

71-8300.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions specified in the IFC unless otherwise stated in these regulations or adopted by state statutes.

 B. The requirements of the IFC, International Fire Code, (as adopted pursuant to S.C. Code Ann. Section 6-9-5, et. seq., 1976, as amended) shall constitute the minimum standards for fire prevention and life safety protection for construction, occupancy, and use of all buildings, structures, and premises within the scope of these regulations except as modified by these regulations. In addition, to the extent to which they can be applied without conflicting with other state regulations or state statutes, the following sections of Chapter 1 of the IFC shall apply:

 1. Scope and General Requirements (Section 101)

 2. Applicability (Section 102)

 3. Liability (Section 103.4)

 4. General Authority and Responsibilities (Section 104), except:

 a. Authority at fires and other emergencies (104.11)

 5. Maintenance (Section 107)

 6. Violations (Section 109)

 7. Unsafe Buildings (Section 110)

 C. The requirements of NFPA 10, Standard for Portable Fire Extinguishers, shall be used as referenced within the adopted ICC codes for the installation, servicing, maintenance, recharging, repairing, and hydrostatic testing of all portable fire extinguishers.

 D. The requirements of the following NFPA standards shall be used as referenced within the adopted ICC codes for the design, installation, testing and maintenance of fixed fire extinguishing systems in South Carolina except as modified by these regulations.

 1. NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam

 2. NFPA 12, Standard on Carbon Dioxide Extinguishing Systems

 3. NFPA 12A, Standard on Halon 1301 Fire Extinguishing Systems

 4. NFPA 17, Standard for Dry Chemical Extinguishing Systems

 5. NFPA 17A, Standard for Wet Chemical Extinguishing Systems

 6. NFPA 750, Standard on Water Mist Fire Protection Systems

 7. NFPA 2001, Standard on Clean Agent Fire Extinguishing Systems

 8. NFPA 2010, Standard for Fixed Aerosol Fire Extinguishing Systems

 E. The requirements of the following NFPA standards shall be used as referenced within the adopted ICC codes for the design, installation, testing, and maintenance of water-based extinguishing systems in South Carolina except as modified by these regulations.

 1. NFPA 13, Standard for the Installation of Sprinkler Systems

 2. NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

 3. NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies

 4. NFPA 14, Standard for the Installation of Standpipe and Hose Systems

 5. NFPA 15, Standard for Water Spray Fixed Systems for Fire Protection

 6. NFPA 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems

 7. NFPA 18, Standard on Wetting Agents

 8. NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection

 9. NFPA 22, Standard for Water Tanks for Private Fire Protection

 10. NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances

 11. NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

 12. NFPA 214, Standard on Water-Cooling Towers

 F. The requirements of NFPA 30, Flammable and Combustible Liquids Code, shall be used as referenced within the adopted ICC codes for the storing and handling of flammable and combustible liquids in South Carolina except as modified by these regulations.

 G. The requirements of NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, shall be used as referenced within the adopted ICC codes for the storing, handling, and dispensing of flammable and combustible liquids at service stations, farms, and isolated sites in South Carolina except as modified by these regulations.

 H. The requirements of NFPA 52, Vehicular Gaseous Fuel Systems Code, shall be used as referenced within the adopted ICC codes for storing, handling, and dispensing vehicular alternative fuels in South Carolina except as modified by these regulations.

 I. The requirements of NFPA 54, National Fuel Gas Code, shall be used as referenced within the adopted ICC codes for design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance installation of fuel gas piping systems, appliances, equipment, and related accessories, installation, combustion, and ventilation air and venting in South Carolina except as modified by these regulations.

 J. The requirements of NFPA 58, Liquefied Petroleum Gas Code, shall be used as referenced within the adopted ICC codes for the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and use of LP-Gases and the odorization of such gases in South Carolina except as modified by these regulations.

 K. The requirements of NFPA 59, Utility LP-Gas Plant Code, shall be used as referenced within the adopted ICC codes for the design, construction, location, installation, operation, and maintenance of refrigerated and non-refrigerated utility gas plants to the point where LP-Gas or an LP-Gas and air mixture is introduced into the utility distribution system in South Carolina except as modified by these regulations.

 L. The requirements of NFPA 70, National Electrical Code, shall be used as referenced within the adopted ICC codes for fire prevention and life safety from hazards of electricity in South Carolina except as modified by these regulations.

 M. The requirements of NFPA 72, National Fire Alarm and Signaling Code, shall be used as referenced within the adopted ICC codes for the design, installation, testing, and maintenance of fire alarm systems in South Carolina except as modified by these regulations.

 N. The requirements of NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, shall be used as referenced within the adopted ICC codes for ventilation control and fire protection of commercial cooking operations in South Carolina except as modified by these regulations.

 O. The requirements of NFPA 99, Health Care Facilities Code, shall be used as referenced within the adopted ICC codes for flammable and non-flammable medical gasses used in health care and other facilities intended for inhalation or sedation, but not limited to, analgesia systems for dentistry, podiatry, veterinary, and similar uses in South Carolina except as modified by these regulations.

 P. The requirements of NFPA 101, Life Safety Code, shall be used as referenced within the adopted ICC codes for fire prevention and life safety in South Carolina when evaluating alternative methods of fire and life safety per R. 71-8300.10 except as modified by these regulations.

 Q. The requirements of the NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, shall be used as referenced within the adopted ICC codes for fire prevention and life safety for all tents and membrane structures normally used in South Carolina except as modified by these regulations.

 R. The requirements of NFPA 160, Standard for the Use of Flame Effects Before an Audience, including Annexes B and C, shall be used as referenced within the adopted ICC codes for all flame effects use in proximate audience pyrotechnics displays or motion picture special effects in South Carolina except as modified by these regulations.

 S. The requirements of NFPA 407, Standard for Aircraft Fuel Servicing, shall be used as referenced within the adopted ICC codes for the storing, handling, and dispensing of flammable and combustible liquids at private aircraft fueling facilities in South Carolina except as modified by these regulations.

 T. The requirements of NFPA 409, Standard on Aircraft Hangars, shall be used as referenced within the adopted ICC codes for the design construction, occupancy, and use of aircraft hangars in South Carolina except as modified by these regulations.

 U. The requirements of NFPA 495, Explosive Materials Code, shall be used as referenced within the adopted ICC codes for the manufacture, transportation, use and storage for all explosives in South Carolina, except as modified herein.

 V. The requirements of NFPA 1122, Code for Model Rocketry, shall be used as referenced within the adopted ICC codes for model rocketry associated with public firework displays or proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

 W. The requirements of NFPA 1123, Code for Fireworks Display, including Annex A and E, shall be used as referenced within the adopted ICC codes for all firework displays in South Carolina except as modified by these regulations.

 X. The requirements of NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, shall be used as referenced within the adopted ICC codes for transportation, storage, and use of all display fireworks and pyrotechnic articles used for proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

 Y. The requirements of NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, including Annexes A, B, and D, shall be used as referenced within the adopted ICC codes for all proximate audience displays in South Carolina except as modified by these regulations.

 Z. The requirements of NFPA 1127, Code for High Power Rocketry, shall be used as referenced within the adopted ICC codes for all high power rockets used for proximate audience pyrotechnic displays or motion picture special effects in South Carolina except as modified by these regulations.

 AA. The requirements of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, shall be used as referenced within the adopted ICC codes for water supplies for rural fire fighting in South Carolina except as modified by these regulations.

 BB. The OSFM shall post and maintain a list of the currently adopted editions of the codes and standards listed above on the OSFM website.

 CC. The codes and standards listed in R.71-8300.2 that are adopted by the OSFM shall be accessible for viewing at no cost to the public through the OSFM website.

71-8300.3. Alternate Materials and Alternate Methods of Construction.

 A. The requirements of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by the regulations, adopted codes, or standards enforced by the OSFM. The SFM has the authority to accept alternative methods of compliance within the intent of these regulations, after finding that the materials and method of work offered is for the purpose intended, at least the equivalent of that prescribed in these regulations in quality, strength, effectiveness, fire resistance, durability, and safety. The SFM shall require submission of sufficient evidence or proof to substantiate any claim made regarding use of alternative materials and methods.

 B. Compliance with applicable standards of the National Fire Protection Association, or other nationally recognized fire safety standards, may be used for consideration of alternative methods if found suitable by the SFM.

71-8300.4. Construction Documents and Shop Drawings.

 A. Construction documents and/or shop drawings, as appropriate, must be submitted to the OSFM for the following:

 1. Fire sprinkler systems per S.C. Code Ann. Section 40-10-260.

 2. LP-Gas systems per R.71-8304.

 3. Hydrogen facilities per S.C. Code Ann. Section 23-9-510 et seq.

 4. Facilities that the OSFM is contractually obligated to review.

 B. Construction documents. Construction documents and shop drawings shall be in accordance with this section.

 1. Submittals. Construction documents and supporting data shall be submitted in one complete set with each application for a review and in such form and detail as required by the OSFM reviewer to be able to determine compliance.

 2. The construction documents and shop drawings shall be prepared by the appropriate registered design professional(s) or other LLR licensee as required by statute or regulation.

 a. Practice of architecture as defined in S.C. Code Ann. Section 40-3-20 requires a licensed architect unless exempt per S.C. Code Ann. Section 40-3-290.

 b. Practice of engineering as defined in S.C. Code Ann. Section 40-22-20 requires a licensed engineer unless exempt per S.C. Code Ann. Section 40-22-280.

 c. Fire sprinkler system documentation shall be prepared in accordance with the specific provisions in S.C. Code Ann. Sections 40-10-250 and 40-10-260.

 3. The OSFM is authorized to not require the submission of construction documents and supporting data if:

 a. they are not required to be prepared by a registered design professional, and

 b. it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

 4. Examination of documents. OSFM shall examine or cause to be examined the submitted construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the applicable requirements.

 5. Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the OSFM. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of these regulations and other relevant laws, rules and regulations as determined by the OSFM.

 a. Fire protection system shop drawings. Shop drawings for fire protection system(s) reviewed by OSFM shall be submitted to indicate compliance with these regulations and the referenced codes and standards, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the applicable statutes, regulations, adopted codes and referenced installation standards.

 6. Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable statutes, regulations, codes and standards.

 7. Approved documents. Construction documents approved by the OSFM are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the OSFM shall not relieve the applicant of the responsibility of compliance with this code.

 a. Phased approval. The OSFM is authorized to issue approval for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such approval for parts of a structure, system or operation shall proceed at the holder’s own risk with the building operation and without assurance that approval for the entire structure, system or operation will be granted.

 b. Compliance with code. The issuance or granting of approval shall not be construed to be an approval of any violation of any of the provisions of these regulations. Approvals presuming to give authority to violate or cancel the provisions of these regulations shall not be valid. The issuance of approval based on construction documents and other data shall not prevent an AHJ from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended approval.

 8. Corrected documents. Where field conditions necessitate any substantial change from the approved construction documents, the AHJ shall have the authority to require the corrected construction documents to be submitted for approval.

 9. Revocation. The OSFM is authorized to revoke approval issued under the provisions of these regulations when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents or shop drawings on which the permit or approval was based including, but not limited to, any one of the following:

 a. The permit or approval is used for a location or establishment other than that for which it was issued.

 b. The permit or approval is used for a condition or activity other than that listed in the permit.

 c. Conditions and limitations set forth in the permit or approval have been violated.

 d. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.

 e. The permit or approval is used by a different person or firm than the name for which it was issued.

 f. Failure, refusal, or neglect to comply with orders or notices duly served in accordance with the provisions of this regulation within the time provided therein.

 g. The permit or approval was issued in error or in violation of a statute, regulation, code, or standard.

71-8300.5. Incident Reporting.

 A. Purpose. These provisions are intended to help the State and its local governmental entities to develop fire reporting and analysis capability for their own uses, to obtain data that can be used to more accurately assess and subsequently combat the fire problem at the State or local level, and to support the efforts of the National Fire Data Center in the United States Fire Administration (USFA) to gather and analyze information on the magnitude of the nation’s fire problem, as well as its detailed characteristics and trends.

 B. The local fire chief or his designee shall furnish to the OSFM the following information:

 1. Fire fatalities from fires occurring within the fire department’s jurisdiction, shall be reported directly to the OSFM immediately.

 2. Firefighter line-of-duty deaths shall be reported directly to the OSFM immediately.

 3. By the 15th day of each month, information concerning all incidents responded to by the fire department during the preceding month shall be reported. This information shall be reported by a method and in a format approved by the OSFM. The National Fire Incident Reporting System (NFIRS) shall serve as the minimum standard reporting method and format for these monthly reports.

 C. These reports are privileged against liability unless the report is made with actual malice.

71-8300.6. Fire Investigations.

 A. Purpose.

 1. The intent of this section is to assist OSFM in improving its ability to provide fire prevention and fire education efforts and data; and, to support OSFM licensing and permitting functions.

 2. It is not the intent of this section for OSFM to perform criminal investigation functions which overlap the authority and responsibility of police and other enforcement agencies.

 B. The OSFM shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion or other hazardous condition.

 C. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

SUBARTICLE 2

FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES

71-8301. FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES.

(Statutory Authority: 1976 Code Section 23-9-60)

71-8301.1. General.

 A. The purpose of this Subarticle is to provide specific requirements for certain occupancies.

 B. This regulation shall apply to:

 1. New and existing foster homes.

 2. New and existing schools inspected by the OSFM.

C. The Department of Social Services shall provide a list of registered in-home childcare facilities to the OSFM annually.

71-8301.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

 B. The building code shall define occupancy classifications referenced in these regulations.

71-8301.3. Requirements for Special Occupancies.

 A. All Foster Home Facilities

 1. Foster homes providing care, maintenance, and supervision for no more than six (6) children, including the natural or adopted children of the foster parent; shall comply with the following:

 a. Must be a facility designed and constructed with the intent to be used as a dwelling per applicable statutes and regulations.

 b. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed near cooking areas. The fire extinguishers shall be installed and maintained in accordance with the manufacturer’s instructions.

 c. Each facility housing foster children shall maintain means of egress as required by original construction.

 d. All heating devices must be selected, used, and installed per the manufacturer’s recommendations and the listing conditions set by an approved testing laboratory.

 e. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and shall be located or guarded to prevent burn injuries.

 f. Fireplaces shall be equipped with fire screens, partitions, or other means to protect clients from burns.

 g. A fire escape plan describing what actions are to be taken by the family in the event of a fire must be developed and posted.

 h. A fire escape drill shall be conducted every three (3) months.

 i. Records of the drills shall be maintained on the premises for three (3) years. The records shall give the date, time, and weather conditions during the drill, number evacuated, description, and evaluation of the fire drill. Fire drills shall include complete evacuation of all persons from the building.

 j. A fire escape drill shall be conducted within twenty-four (24) hours of the arrival of each new foster child.

 k. Portable unvented fuel-fired heating equipment shall be prohibited in all foster homes.

 l. An approved carbon monoxide alarm shall be installed and maintained outside of each separate sleeping area in the immediate vicinity of the bedroom in dwelling units within which fuel fired appliances are installed and in dwelling units that have attached garages.

 m. Each sleeping room must have an operable door that closes and latches to provide compartmentation that protects occupants in case of a fire event.

 n. The dwelling shall be free of dangers that constitute an obvious fire hazard, such as faulty electrical cords, overloaded electrical sockets, or an accumulation of papers, paint, or other flammable material stored in the dwelling.

 o. Facilities serving as a foster home shall have approved address numbers placed in a position that is plainly legible and visible from the street. Address number shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch and shall contrast with their background.

 p. Listed smoke alarms shall be installed as follows:

 (i) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and

 (ii) In each room used for sleeping purposes; and

 (iii) In each habitable story within a dwelling.

 q. Listed smoke alarms shall be powered from:

 (i) the electrical system of the dwelling as the primary power source and a battery as a secondary power source; or

 (ii) a battery rated for a 10-year life, provided the smoke alarm is listed for use with a 10-year battery.

 2. In addition to Section A.1.a.-q. above, all foster homes must have one of the following:

 a. All sleeping rooms below the fourth story shall have emergency escape and rescue openings that open from the inside and are sized and configured in accordance with the applicable code requirements; or

 b. Listed smoke alarms required to be installed by Section A.1.p. above shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm; or

 c. A residential fire sprinkler system in accordance with the applicable statutes, regulations, and adopted codes.

 B. Inspection of School Facilities

 1. The OSFM shall work in conjunction with local resident fire marshals to ensure an annual fire and life safety inspection of all schools, including 4K programs and childcare centers located within public schools, that are subject to these regulations. The OSFM shall work in conjunction with the Department of Education’s Office of School Facilities to ensure a fire and life safety inspection of each new school is conducted prior to occupancy and to ensure that additions to schools and school alterations are also inspected.

SUBARTICLE 3

EXPLOSIVES

71-8302. EXPLOSIVES.

(Statutory Authority: 1976 Code Sections 23-9-40(b), 23-9-60, 23-36-10 et seq.)

71-8302.1. General.

 A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, and operators from the manufacture, transportation, handling, use, and storage of explosives in South Carolina.

 B. This regulation shall apply to the manufacture, transportation, handling, use, and storage of explosives in South Carolina.

 C. This regulation does not apply to the sale or storage of fireworks as regulated by the Board of Pyrotechnic Safety.

71-8302.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

 B. The building code shall define occupancy classifications referenced in these regulations.

71-8302.3. Licensing and Permitting Fees.

 A. All applications for licenses, tests, or permits must be accompanied by the appropriate fees.

 B. The OSFM is responsible for all administrative activities of the licensing program. The SFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section 40-1-50(D), 1976, as amended.

 C. Fees shall be established for the following:

 1. Application

 2. Background Check

 3. Testing

 4. Licensing

 5. Permitting

 6. Inspection

 7. Renewal

 D. All fees are due at time of application.

 E. Submission requirements for Blasting Permit application

 1. Applications for one year Blasting Permits shall be submitted to the OSFM for approval at least 30 days before the start of blasting operations.

 2. Applications for all other Blasting Permits shall be submitted to the OSFM for approval at least 48 hours before the start of blasting operations.

 3. Applications submitted less than 48 hours before the start of blasting operations will be subject to a $200.00 special processing fee.

 4. Blasting Permit applications shall include the properly completed form and shall be accompanied by all information listed on the Blasting Permit application form when applying to the OSFM for a Blasting Permit.

 F. All fees paid to the OSFM are nonrefundable.

71-8302.4. Licenses and Permits.

 A. Classification of Licenses and Permits

|  |  |  |  |
| --- | --- | --- | --- |
|  | Class | Category | Blasting Permitted |
| 1.  | A  | Unlimited  | All types of blasting |
| 2.  | B  | General  | All phases of blasting operations in quarries, aboveground open pit mines, and aboveground construction |
| 3.  | C  | General  | All phases of blasting operations in underground underground mines, shafts, tunnels, and drifts |
| 4.  | D  | Demolition  | All phases of blasting in demolition projects |
| 5.  | E  | Seismic  | All phases of blasting in seismic prospecting |
| 6.  | G  | Special  | Special blasting as described on the permit |

 B. Licenses

 1. No person shall be granted a license who has not successfully completed a written examination administered by the OSFM covering the applicable codes, state laws and regulations for the license classification for which they are applying.

 2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least six (6) months before reapplying.

 3. Licenses are not transferable.

 4. The OSFM may accept determination of relief from disability incurred by reason of a criminal conviction that has been granted by the Director of the Bureau of Alcohol, Tobacco and Firearms, U. S. Department of the Treasury, Washington, D.C., pursuant to Section 555.142, Subpart H, Title 27, Code of Federal Regulations and Title 18 United States Code, Chapter 40, Section 845(b).

 5. New Applications for licensing shall:

 a. Submit a completed fingerprint card with their application for the OSFM to conduct a National Crime Information Center (NCIC) criminal background check as part of the initial licensing application process.

 b. Provide the appropriate Federal licenses to handle and use explosives or explosive materials. Applicants must provide a copy of applicable Federal licenses with their application.

 c. Provide proof of insurance. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

 6. Each applicant for renewal shall each year:

 a. Submit an application for renewal.

 b. Have a National Crime Information Center (NCIC) background check conducted by the OSFM as part of the licensing renewal process.

 c. Provide a copy of their current Federal licenses for handling and using explosives or explosive material with their renewal application.

 d. Attend at least four (4) hours of continuing education acceptable to the OSFM. Certificates of training or other proof of training attendance must be provided when requested by the OSFM.

 e. Provide proof of insurance. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

 C. Blasting Permits

 1. Blasting Permit application forms shall be available on the OSFM website and shall contain the information deemed appropriate by the OSFM. At a minimum, the application form shall include:

 a. Applicant name and contact information;

 b. Blaster name, license, and contact information;

 c. Blast site information including location, purpose of blasting, and fire department responsible for responding to the site;

 d. Anticipated date and time range of blasting operations;

 e. Information on separation distances detailing the actual distances to the nearest gas lines, power transmission lines, public roads, and structures;

 f. The type(s) of explosive used;

 g. Information on quantities of explosive used including the estimated amount of explosives for the duration of the permit, amount per shot, and amount per charge; and,

 h. Information regarding whether a seismograph will be used.

 2. Blasting Permit application forms shall list all information required to be submitted with the form per R.71-8302.3.E. This list shall include at least the following:

 a. Current certificate of insurance;

 b. Directions to the blast site;

 c. Site plan of the blast site showing measured distances to adjacent buildings, streets, utilities, wells, and other facilities;

 d. Blasting plan that addresses proposed blasting procedures, quantity of material to be removed by blasting, number of blasts to be detonated, quantity and type of explosives to be used, maximum amount of explosives per delay, the maximum number of holes per delay, and the proposed placement of seismographs; and

 e. Safety plan that addresses on-site storage, traffic control, barricading, signage plan, and adverse weather operation plan.

 3. No permit will be granted without submission of a complete Blasting Permit application form and payment of application fee.

 4. No variations from the terms of the blasting permit are allowed without authorization from the OSFM or their designee.

 D. Magazine Permits

 1. Magazine Permit Application Forms shall contain the information deemed appropriate by the OSFM.

 2. Magazine Permit Application Forms shall be available on the OSFM website.

 3. Magazine permits expire at 12:01 AM on January 1 of each licensing cycle. Any magazine permit not renewed by December 31 shall incur a late fee of $100.00 (each).

 4. Magazine permits shall be visible on the exterior of all magazines. Defaced or destroyed permits will be reported to the SFM when discovered. The OSFM may, at their discretion, charge the administrative costs of replacing the magazine permit.

 5. Each magazine shall be inspected and approved by the OSFM before use.

71-8302.5. Records.

 A. Licensed blasters shall keep records of each blast. The Blaster’s Log shall contain the following minimum data:

 1. Name of company or contractor;

 2. Location, date, and time of blast;

 3. Name, signature, and license number of blaster in charge of blast;

 4. Type of material blasted;

 5. Number of holes, burden and spacing;

 6. Diameter and depth of holes;

 7. Types of explosives used;

 8. Total amount of explosives used;

 9. Maximum amount of explosives per delay period of 8 milliseconds or greater;

 10. Method of firing and type of circuit;

 11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting;

 12. Weather conditions;

 13. Type and height or length of stemming;

 14. Whether mats or other protections were used;

 15. Type of delay electric blasting caps used and delay periods used;

 16. Exact location of seismograph, if used, and the distance of seismograph from blast as indicated accurately by the person taking the seismograph reading;

 17. Seismograph records, where required including:

 a. Name of person and firm analyzing the seismograph record; and

 b. Seismograph reading;

 18. Maximum number of holes per delay period of eight milliseconds or greater.

 B. Blasters will provide a blast report on forms approved by the OSFM and submit these forms within three working days of the blast when deemed necessary by the OSFM.

 C. Blasting records shall be retained by the licensed blaster and available for inspection by SFM during normal work hours at their place of business. These blast records shall include as a minimum for each blast:

 1. Blasting Permit;

 2. Seismograph reports when used;

 3. Blaster’s Record/log;

 4. Pre-Blast Survey (if applicable).

 D. Magazine log shall be available for inspection by SFM upon request during normal work hours or hours of operation of the magazine.

71-8302.6. Blasting Safety and Operations.

 A. The contractor, operator, and the blaster are responsible for the conduct of blasting operations on any site.

 B. These regulations do not relieve the contractor, operator, blaster or other persons of their responsibility and liability under any other laws.

 C. The OSFM may require the use of a seismograph on any blasting operation where damage to personal property has or may occur.

 D. A Seismograph shall be used on all blasting operations within 1500 feet of a building, where the scaled distances shown in NFPA 495 are not followed, or when directed by the OSFM.

 E. Operators must notify the OSFM within 24 hours of any fires or thefts involving explosives. The operators shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM Office with a copy of ATF Form 5400.5.

 F. The operator shall have their license in their possession when handling, possessing or using explosive materials and shall show their license when asked by any AHJ.

 G. A copy of the blasting permit shall be kept at the firing station.

 H. This section shall be followed for firing the blast:

 1. A warning signal shall be given before every blast. Warning signals shall comply with the following:

 a. Warning signal is a one (1) minute series of long horn or siren blasts five (5) minutes before the blast signal.

 b. Blast signal is a series of short horn or siren blasts one (1) minute before the shot.

 c. All clear signal is a prolonged horn or siren blast following the inspection of the blast area.

 2. The signal shall be made from an air horn, siren or other device, and must be loud enough to be clearly heard in all areas that could be affected by the blast or flyrock from the blast. The signal must be distinctive and unique so that it cannot be confused with any other signaling system that might occur on the site. A vehicle horn shall not be used as a signaling system.

71-8302.7. Explosives and Investigations.

 All costs incurred by the OSFM for investigations involving explosives or blasting operations shall be reimbursed to the State by the individual or company involved in the investigation. Such reimbursements will only apply when the individual or company has been found in violation of the South Carolina Explosives Control Act (S.C. Code Ann. 23-36-10, et seq., 1976, as amended) or these Regulations.

71-8302.8. Variances.

 A. This section provides licensees the opportunity to request variances of the regulations under specific conditions.

 1. The OSFM may grant variances when it can be demonstrated the variance improves safety or provides an equivalent level of safety as provided in the regulations and adopted codes.

 2. Such a variance may be modified or revoked by the OSFM.

 3. When applicable, these variances must also be approved by the U.S. Bureau of Alcohol, Tobacco, and Firearms.

SUBARTICLE 4

PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS

71-8303. PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS.

(Statutory Authority: 1976 Code Sections 23-9-40, 23-9-45)

71-8303.1. General.

 A. The purpose of this subarticle is to regulate the leasing, renting, reselling, servicing and testing of portable fire extinguishers and the installation, testing, and servicing of fixed fire extinguishing systems in the interest of protecting lives and property.

 B. This regulation shall apply to:

 1. The filling, charging, and recharging of all portable fire extinguishers other than the initial filling by the manufacturer.

 2. The testing and servicing of all types of portable fire extinguishers.

 3. The installation, testing, and servicing of all types of fixed fire extinguishing systems.

 C. This regulation shall not apply to the following:

 1. The filling or charging of a portable fire extinguisher by the manufacturer before the initial sale;

 2. The installation or servicing of water-based extinguishing systems addressed by S.C. Code Ann. Section 40-10-240 et seq; and

 3. Firms engaged in the retailing or wholesaling of new portable fire extinguishers.

71-8303.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.

71-8300.2 and are modified by the following regulations as shown below.

 B. The building code shall define occupancy classifications referenced in these regulations.

71-8303.3. Fees for Licensing, Testing, and Inspections.

 A. The OSFM is responsible for all administrative activities of the licensing program. The SFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section 40-1-50(D), 1976, as amended.

 B. Fees shall be established for the following:

 1. Application

 2. Testing

 3. Permitting

 4. Licensing

 5. Inspection

 6. Renewal

 C. All fees are due at time of application for licenses, testing, permits, inspection or renewal.

 D. All fees paid to the OSFM are nonrefundable.

71-8303.4. Licensing and Permitting Requirements.

 A. General Licensing Requirements.

 1. Each firm testing and servicing portable fire extinguishers; installing, testing, and servicing fixed fire extinguishing systems; or hydrostatic testing portable fire extinguishers or portions of fixed fire extinguishing systems must have a license issued by the OSFM.

 2. Each firm’s license shall be displayed in a conspicuous location at their place of business.

 3. Each firm shall apply in writing on a form available from the OSFM, for the license classification the firm is seeking.

 4. Each firm shall furnish a certificate of insurance with their application in the amount required for their license classification. The firm shall list the State of South Carolina and its agents as additional insured. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or not renewed, the insurer shall give immediate notice to the OSFM.

 5. Each firm shall possess the equipment required for the class of license sought. The OSFM shall inspect the firm’s facilities to verify the firm has the minimum required equipment. The OSFM shall not license a firm until deficiencies discovered by inspection are corrected.

 6. Licenses issued under this subarticle are not transferable.

 7. All licenses expire when insurance coverage lapses or is cancelled and on the day of expiration shown on the license and shall be renewed biennially.

 8. Expired licenses shall not be renewed. A new license shall be obtained by complying with all requirements and procedures for an original license.

 B. General Permitting Requirements.

 1. Each individual servicing, recharging, repairing, installing, or testing portable fire extinguishers or fixed fire extinguishing systems shall possess a valid permit issued by the OSFM.

 2. Each individual shall apply in writing on a form available from the OSFM, for the permit classification they are seeking.

 3. Applicants must provide a current photograph with their application.

 4. Applicants must be at least eighteen (18) years old.

 5. Applicants shall pass a written examination administered by the OSFM before a permit is issued. The exam will cover the applicable codes, state laws, and regulations and the additional requirements for the specific class of permit for which they are applying.

 6. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven-day waiting period. Any applicant who fails the re-test shall wait at least six (6) months before reapplying.

 7. Permit holders shall have their permits in their possession while working on equipment or systems covered by their permit.

 8. Permit holders shall show their permits on the request of any AHJ.

 9. Permit holders shall be limited to specific type of work allowed by the class of permit they hold and the specific systems covered by their permit.

 10. Permits issued under this subarticle are not transferable.

 11. Permits shall expire on the day of expiration shown on the permit and shall be renewed biennially.

 12. Expired permits shall not be renewed. A new permit shall be obtained by complying with all requirements and procedures for an original permit.

 C. License and Permit Classifications.

 1. Class "A" - may service, recharge, or repair, all types of portable fire extinguishers, including recharging carbon dioxide units; and to conduct hydrostatic tests on all types of fire extinguishers.

 2. Class "B" - may service, recharge, or repair all types of portable fire extinguishers, including recharging carbon dioxide units and conducting hydrostatic tests on water, water chemical, and dry chemical types of extinguishers only.

 3. Class "C" - may service, recharge, or repair all types of portable fire extinguishers, except recharging carbon dioxide units; and to conduct hydrostatic tests of water, water chemical, and dry chemical types of fire extinguishers only.

 4. Class "D" - may service, recharge, repair, or install all types of fixed fire extinguishing systems.

 5. Class "E" is an apprentice permit classification only. Permits in this classification may perform the services only under direct supervision of a person holding a valid permit and who works for the same firm as the apprentice. An apprentice permit is valid for one (1) year from the day of issuance and may not be renewed.

 D. Firms applying for a Class "A", "B", or "C" License must meet all of the general requirements for licensing and provide proof of public liability insurance for an amount not less than one million ($1,000,000) dollars.

 E. Firms applying for a Class "D" License must:

 1. Designate on their application for licensing each type of fixed fire extinguishing system for which they want to be licensed;

 2. Provide proof of public liability insurance for an amount not less than one million ($1,000,000) dollars; and

 3. Provide proof of manufacturer’s certification for at least one type of fixed fire extinguishing system.

 4. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer’s certification or an affidavit which shall attest to the ability to obtain the proper manufacturer’s installation, maintenance and service manuals and manufacturer’s parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer’s installation, maintenance and service manuals and NFPA standards.

 F. Individuals applying for a Class "A", "B", or "C" Permit must meet all of the general requirements.

 G. Individuals applying for a Class "D" Permit must:

 1. Designate on their application for licensing each type of fixed fire extinguishing system for which they want to be permitted.

 2. Provide proof of manufacturer’s certification for at least one type of fixed fire extinguishing system.

 3. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer’s certification or an affidavit which shall attest to the ability to obtain the proper manufacturer’s installation, maintenance and service manuals and manufacturer’s parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer’s installation, maintenance and service manuals and NFPA standards.

 H. Employees applying for a Class "E" Permit must file an application for a Class "E" Permit and provide a current photograph.

71-8303.5. Renewal of Licenses and Permits.

 A. To qualify for biennial renewal of a Class "A", "B" or "C" license, a firm must:

 1. Apply in writing on a form available from the OSFM designating the Class of license sought;

 2. Provide proof of public liability insurance.

 B. To qualify for biennial renewal of a Class "A", "B" or "C" permit, an individual must:

 1. Apply in writing on a form available from the OSFM, designating the permit classification they are seeking.

 C. To qualify for biennial renewal of a Class D license, a firm must:

 1. Apply in writing on a form available from the OSFM, designating each type of fixed fire extinguishing system for which they wish to be licensed to install, test, or service;

 2. Provide proof of public liability insurance;

 3. Provide proof of manufacturer’s certification for at least one type of fixed fire extinguishing system;

 4. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer’s certification or an affidavit which shall attest to the ability to obtain the proper manufacturer’s installation, maintenance and service manuals and manufacturer’s parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer’s installation, maintenance and service manuals and NFPA standards.

 D. To qualify for biennial renewal of a Class D permit, an individual must:

 1. Apply in writing on a form available from the OSFM, designating each type of fixed fire extinguishing system for which they wish to be permitted to install, test, or service;

 2. Provide an up to date manufacturers training certificate for each type pre-engineered system that renewal is sought;

 3. Provide an affidavit to attest to the applicant’s ability to obtain the proper manufacturer’s installation, maintenance and service manuals and manufacturer’s parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer’s installation, maintenance and service manuals.

71-8303.6. Restrictions for Class D Fire Equipment Licenses and Permits.

 A. A firm or person shall not willfully engage in the business of installing, testing or servicing Class D fire equipment or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the person is a Class D Fire Equipment Dealer or acquiesce in such a representation, unless that person is licensed as a Class D Fire Equipment Dealer by the OSFM.

 B. No person shall install or service any type of Class D fire equipment not covered on their permit.

71-8303.7. Licensing Requirements: For Firms Performing Hydrostatic Testing.

 A. Each firm performing hydrostatic testing of fire extinguishers manufactured according to the specifications of the USDOT shall be required to possess a valid license issued by the USDOT. All hydrostatic testing of fire extinguishers shall be performed per the appropriate USDOT standards and NFPA standards.

 B. Each employee certified to conduct hydrostatic testing shall attend a USDOT certification refresher course every three years and provide a copy of the current certification to the OSFM upon completion.

71-8303.8. Installation and Maintenance Procedures.

 A. All Portable Fire Extinguishers and Fixed Fire Extinguishing Systems covered by these regulations shall be installed, inspected, tested and serviced per the applicable NFPA standards and the manufacturer’s installation, service and maintenance manuals.

 B. Any portable fire extinguisher or fixed fire extinguishing system that cannot be maintained per the manufacturer’s installation, service, and maintenance manuals or the applicable NFPA standards shall be removed from service and replaced.

 C. Tamper seals on all portable fire extinguishers shall be imprinted with the year. The year imprinted on the tamper seal shall match the date on the maintenance tag for portable fire extinguisher servicing and maintenance.

71-8303.9. Minimum Equipment and Facility Requirements for Fire Equipment Dealer License.

 The OSFM Minimum Equipment and Facility Requirements for a Fire Equipment Dealer License

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Minimum Equipment and Facilities Required | YES  | NO  | N/A |
| 1  | A  |  |  | D  | Hydrostatic test equipment for high pressure testing and calibrated cylinder. (0-11,000 psi) |  |  |  |
| 2  | A  |  |  | D  | Equipment for test dating high-pressure cylinders (over 900 psi). Die stamps must be a minimum of ¼ inches. |  |  |  |
| 3  | A  |  |  | D  | Clock with sweep secondhand on or close to hydrostatic test apparatus. |  |  |  |
| 4  | A | B  |  | D  | CO2 receiver--cascade system for proper filling of CO2 extinguishers. |  |  |  |
| 5  | A | B  |  | D  | Supply of metallic labels for CO2 hose conductivity test. Labels attached to the hose must include month and year of testing, name or initials of person performing test, and name of agency performing test. |  |  |  |
| 6  | A  | B  | C  | D  | Scales graduated in 1/8 ounce or 1 gram weight if refilling CO2 cartridges. Minimum of 20 lbs. |  |  |  |
| 7  | A  | B  | C  | D  | All Scales calibrated within the last 12 months. Certification date(s)\_\_\_\_\_\_\_\_\_\_ Certified by\_\_\_\_\_\_\_\_\_\_ |  |  |  |
| 8  | A  | B  | C  | D  | Approved drying method for high and low pressure cylinders. Listed for its use. |  |  |  |
| 9  | A  | B  | C  | D  | Proper wrenches with non-serrated jaws or valve puller (hydraulic or electric). |  |  |  |
| 10  | A | B  | C  | D  | Inspection light. |  |  |  |
| 11  | A | B  | C  | D  | Low-pressure test apparatus. |  |  |  |
| 12  | A  | B  | C  | D  | Low-pressure hydrostatic test labels per NFPA 10. |  |  |  |
| 13  | A  | B  | C  | D  | Scales for weighing extinguisher/system agent bottles during inspection and filling, minimum of 500 lbs. Calibrated and certified annually. |  |  |  |
| 14  | A  | B  | C  | D  | Closed recovery system(s) and storage to remove and store chemicals from fire extinguishers or system cylinders during servicing. |  |  |  |
| 15  | A  | B  | C  | D  | Closed recovery system(s) and storage to remove and store chemicals from halon type fire extinguishers or system cylinders during servicing. |  |  |  |
| 16  | A  | B  | C  |  | Current installation, maintenance and service manuals from the manufacturer of each make or brand of fire extinguisher or system the company installs, services, recharges, repairs, or maintains. |  |  |  |
| 17  | A  | B  | C  |  | Supply of extinguisher recharge agents for the type/brands of fire extinguishers the company requests to recharge or service. |  |  |  |
| 18  | A  | B  | C  | D  | Vise 6-inch minimum (chain or bench). |  |  |  |
| 19  | A  | B  | C  | D  | Facilities for proper storage of extinguishing agents. |  |  |  |
| 20  | A  | B  | C  | D  | Facilities for leak testing of pressurized extinguishers. |  |  |  |
| 21 | A | B  | C  | D  | Nitrogen with regulator and indicator. Regulator not to exceed 1500 psi--minimum 500 psi. |  |  |  |
| 22 | A | B  | C  | D  | Supply of "Verification of Service" collars containing Month and Year the service was performed. |  |  |  |
| 23  | A | B  | C  |  | Adapters, fittings, and tools and equipment for properly servicing and/or recharging all extinguishers being serviced and recharged. |  |  |  |
| 24  | A  | B  | C  | D  | Safety cage (in shop) for hydrostatic testing of low-pressure cylinders. |  |  |  |
| 25  | A  | B  | C  | D  | 1/4 pound graduated scales minimum 150 pounds for weighing chemical recharging. |  |  |  |
| 26  |  |  |  | D  | Cable crimping tool (where required). |  |  |  |
| 27 |  |  |  | D  | Cocking lever (where required). |  |  |  |
| 28 |  |  |  | D  | Pipe vise, dies, reamer, etc. |  |  |  |
| 29  |  |  |  | D  | Stock and supply of fuse links, proper elbows, and nozzles for system which is being installed. |  |  |  |
| 30 |  |  |  | D  | Parts from each manufacturer's system that the permittee is permitted to work on or service, including original service manuals and all up to-date technical bulletins. |  |  |  |
| 31  |  |  |  | D  | Listed links from each manufacturer that the permittee is permitted to service or work on. |  |  |  |
| 32  |  |  |  | D  | Current service manuals from the manufacturer for each model of fixed fire extinguishing system being installed, tested, or serviced by the fire equipment license holder. |  |  |  |
| 33  |  |  |  | D  | System Reports - custom or generic. |  |  |  |
| 34  |  |  |  | D  | Non-compliance Tags for non compliant systems. |  |  |  |
| 35  | A  | B  | C  | D  | Supply of tags with the appropriate company and other related information on them. |  |  |  |
| 36  |  |  |  | D  | Thermometer with a minimum of 2° F or 1° C increments. |  |  |  |
| 37  |  |  |  | D  | Agent Transfer Pump (for Halon or Clean Agents). |  |  |  |
| 38  |  |  |  | D  | Torque Wrench. |  |  |  |
| 39  |  |  |  | D  | Leak test device (for Halon or Clean Agents). |  |  |  |
| 40  |  |  |  | D  | Liquid Level detector ("Halon Scanner"). |  |  |  |

71-8303.10. Powers and Duties of the Office of State Fire Marshal.

 A. Powers and duties of the OSFM are:

 1. To evaluate the applications of firms or individuals for a license and permits to engage in the business of servicing portable fire extinguishers or installing, testing and servicing fixed fire extinguishing systems;

 2. To administer written examinations to ascertain the competency of applicants for a license to service portable fire extinguishers or install fixed fire extinguishing systems;

 3. To issue licenses, permits, and apprentice permits required by this subarticle;

 4. To suspend or revoke licenses and permits for cause; and

 5. To administer these regulations and supervise personnel in carrying out the requirements of this regulation.

 B. The OSFM, upon request, shall conduct hearings or proceedings concerning the suspension, revocation, or refusal to issue or renew licenses or permits issued under this subarticle or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

 C. An applicant, licensee, or permit holder whose license or permit has been refused or revoked under this subarticle, except for failure to pass a required written examination, shall not file another application for a license or permit within one year from the effective date of the refusal or revocation. After one year from that date, the applicant may re-apply, and in a public hearing, show good cause why the issuance of a license or permit does not hinder public safety and health.

 D. The OSFM shall maintain a registry of all applications for licenses or permits and of all firms or persons holding licenses or permits. The OSFM shall make the roster of Fire Equipment Dealers Licenses or Fire Equipment Permits, with notation concerning the types of fixed fire extinguishing system for which licenses or permits have been granted, available on the OSFM website.

 E. At least ninety (90) days before the expiration of a license, the OSFM shall send written notice of the impending license or permit expiration to the license or permit holder’s last known address. This subsection shall not be construed to prevent the denying or refusing to renew a license under applicable law or regulations of the OSFM.

71-8303.11. Fitness to Practice; Investigation of Complaints.

 If the OSFM has reason to believe that a person licensed under this chapter has become unfit to practice as a Fire Equipment Dealer or if a complaint is filed with the OSFM alleging a violation of a provision of this chapter by a license or permit holder or if a complaint is filed with the OSFM alleging that an licensed person is fraudulently holding him or herself out as qualified to engage in business as a Fire Equipment Dealer, the OSFM shall initiate an investigation per the procedures of Title 40, Chapter 1.

71-8303.12. Administrative Sanctions.

 A. If after an investigation it appears that the license or permit holder under this regulation has become unfit to practice or has violated these regulations, the OSFM shall file a Petition with the Administrative Law Court stating the facts and the particular statutes and regulations at issue.

 B. The Administrative Law Court may, after opportunity for hearing, order that the license or permit be revoked, suspended, or otherwise disciplined on the grounds that the license or permit holder:

 1. Used a false, fraudulent, or forged statement or document in obtaining a license or permit under this chapter; or

 2. Committed a fraudulent, deceitful, or dishonest act or omitted a material fact in obtaining a license or permit under this chapter; or

 3. Has had an authorization to practice a regulated profession or occupation in another state or jurisdiction canceled, revoked or suspended, or has otherwise been disciplined by another jurisdiction; or

 4. Has intentionally used a fraudulent statement in a document connected with the license or permit; or

 5. Obtained fees or assisted in obtaining fees under fraudulent circumstances; or

 6. Sustained a physical or mental disability or uses alcohol or drugs to such a degree as to render further practice as a Fire Equipment Dealer dangerous to the public; or

 7. Failed to perform all installation, service, and testing in complete compliance with the manufacturer’s manuals.

71-8303.13. Sanctions for Unlawful Practice.

 A. The Administrative Law Court may, after opportunity for hearing, order injunctive relief against a person who, without possessing a valid license or permit under this chapter, practices or offers to practice or uses the title or term Fire Equipment Dealer. For each violation, the administrative law judge may impose a fine of no more than ten thousand ($10,000) dollars.

 B. A person who does not hold a license or permit as required by this Chapter, may not bring any action either at law or in equity to enforce the provisions of any contract for providing services as a Fire Equipment Dealer.

71-8303.14. Certain Acts Prohibited.

 A. No person or firm shall:

 1. Engage in the business of installing or servicing portable fire extinguishers without a valid and current license;

 2. Engage in the business of installing or servicing fixed fire extinguishing systems without a valid and current license;

 3. Service, test, or install fixed fire extinguishing systems without a valid and current license;

 4. Perform hydrostatic testing of USDOT cylinders for portable fire extinguishers or parts of a fixed fire extinguishing systems without a valid and current hydrostatic license;

 5. Obtain or attempt to obtain a license or permit by fraudulent representation;

 6. Service portable fire extinguishers or test, service, or install fixed fire extinguishing systems contrary to the provisions of these regulations;

 7. Service or hydrostatic test a fire extinguisher that does not have the proper identifying labels;

 8. Sell, offer for sale, or give any make, type, or model of new or used fire extinguisher, unless extinguisher has first been tested and is currently approved or listed by Underwriters’ Laboratories, Inc., Factory Mutual Laboratories, Inc., or other nationally recognized testing laboratory whose testing procedures used for approval in the listing of portable fire extinguishers are acceptable to the OSFM, and unless such extinguisher carries an Underwriters’ Laboratories, Inc., or manufacturer’s serial number. The serial number shall be permanently stamped on the manufacturer’s identification and instruction plate;

 9. Permit an individual who works for the firm to engage in installation, repair, recharge, maintenance or servicing fire extinguishers or fixed fire extinguishing systems without a valid permit or license.

71-8303.15. Cease and Desist Orders; Notice to Correct Hazardous Conditions.

 When the OSFM shall have reason to believe that any person is or has been violating any provisions of this regulation or any rules or regulations adopted and promulgated pursuant thereto, the OSFM or their designated agent may issue and deliver to such person an order to cease and desist such violation or to correct such hazardous condition.

71-8303.16. Suspensions or Revocation of License or Permit.

 A. The license of any company or individual may be suspended or revoked because of failure to comply with the terms of any order to correct violations within the specified abatement period or for failure to comply with any cease and desist orders. A license may be suspended for a period not to exceed one year from the date of license suspension. A license may be revoked for a period not to exceed two years from the date of license revocation.

 B. In addition, a license may be suspended or revoked where the license or permit holder is found to have:

 1. Rendered inoperative a fire extinguisher or fixed fire extinguishing system, which is required by any rule of the OSFM, except during such time as the extinguisher, or fixed fire extinguishing system is being inspected, serviced, or tested;

 2. Falsified any records required to be maintained by this chapter or rules adopted thereto;

 3. Improperly serviced, tested, or inspected a fire extinguisher or fixed fire extinguishing system;

 4. Allowed another person to use his permit or license number or use a license or permit number other than the license or permit holder’s valid license or permit number; or

 5. Obliterated the serial number on a fire extinguisher for purposes of falsifying service records.

71-8303.17. Responsibility of Equipment Manufacturer.

 All manufacturers of portable fire extinguishers and fixed fire extinguishing systems doing business in South Carolina shall provide the OSFM with all technical information as well as installation instructions that apply to their systems and equipment sold, installed, serviced or tested in South Carolina. This technical information shall include design revisions and updating information on systems sold in South Carolina.

71-8303.18. Penalties.

 The OSFM authorizes any Deputy SFM to issue a citation for each offense to any person, firm, or corporation licensed under these regulations who has violated any provision of this subarticle. The OSFM may assess fines for each charge to both the fire equipment company and the permit holder. Citations shall be assessed by the OSFM at not more than two thousand ($2000.00) per violation.

SUBARTICLE 5

LIQUEFIED PETROLEUM GAS

71-8304. LIQUEFIED PETROLEUM (LP) GAS.

(Statutory Authority: 1976 Code Section 23-9-20, 23-9-40, 23-9-60, 40-82-70)

71-8304.1. General.

 A. The purpose of this regulation is to provide reasonable protection of the health, welfare, and safety of the public and LP-Gas operators from the hazards associated with the handling, use, transportation, and storage of LP-Gas.

 B. These regulations apply to:

 1. LP-Gas Dealers, Installers, Gas Plants, Wholesalers, Resellers, or Cylinder Exchange operators and;

 2. Any person handling, dispensing, transporting, or storing LP-Gas.

 C. These regulations shall not apply to:

 1. LP-Gas pipeline transmission regulated by the SC Public Safety Commission.

 2. Gas plants after the point where LP-Gas or LP-Gas and air mixture enters a utility distribution system.

 3. Natural gas systems covered by the IFGC.

71-8304.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

 B. The building code shall define occupancy classifications referenced in these regulations.

71-8304.3. Licensing and Permitting Fees.

 A. The OSFM is responsible for all administrative activities of the licensing program. The SFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section 40-1-50(D), 1976, as amended.

 B. Fees shall be established for the following:

 1. Application

 2. Testing

 3. Permitting

 4. Licensing

 5. Inspection

 6. Renewal

 C. All fees are due at time of application for licenses, testing, permits, inspection, or renewal.

 D. All fees paid to the OSFM are nonrefundable.

71-8304.4. Licensing Requirements.

 A. Licenses

 1. Each company shall possess a license issued by the OSFM.

 2. Licenses shall be displayed in a conspicuous location at the place of business for the LP-Gas Dealer, Installer, Gas Plant, Wholesaler, Reseller, or Cylinder Exchange operator.

 B. Permits

 1. Each site shall have a designated person that has a permit issued by the OSFM to supervise people handling, dispensing, installing, transporting, repairing, or exchanging LP-Gas.

 2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least thirty (30) days before reapplying.

 3. Permits shall bear the name, photograph, and any other identifying information deemed necessary by the OSFM.

 4. Permit holders shall have their permit in their possession when supervising the handling, dispensing, installing, manufacturing, transporting, repairing, or exchanging LP-Gas.

 5. Permit holders shall exhibit their permits on request of any AHJ.

 6. Each permit is valid for a period of two (2) years and must be renewed before it expires.

 7. Permits are not transferable.

71-8304.5. Plan Submittal Requirements.

 Licensees which are required to obtain a site approval per S.C. Code Ann. Section 40-82-220, 1976, as amended, shall comply with the plan submittal requirements of NFPA 58, where applicable.

SUBARTICLE 6

FIREWORKS AND PYROTECHNICS

71-8305. FIREWORKS AND PYROTECHNICS.

(Statutory Authority: 1976 Code Sections 23-9-10 et seq., 23-35-10 et seq., 40-56-10(D))

71-8305.1. General.

 A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, performers, and display operators from the hazards associated with the handling, use, transportation, and storage of pyrotechnics and fireworks.

 B. This regulation shall apply to:

 1. The handling and use of fireworks intended for public fireworks display;

 2. The construction, handling and use of fireworks equipment intended for public fireworks display;

 3. The general conduct and operation of public firework displays;

 4. The transportation and storage of fireworks for public fireworks display;

 5. The transportation and use of consumer fireworks;

 6. The construction, handling, and use of pyrotechnics intended for proximate audience displays; special effects for motion picture, theatrical, and television productions;

 7. The construction, handling, and use of flame effects intended for proximate audience displays, or special effects for motion picture, theatrical, and television productions;

 8. The construction, handling, and use of rockets intended for proximate audience displays, or special effects for motion picture, theatrical, and television productions; and

 9. The general conduct and operation of proximate audience displays.

 C. This regulation shall not apply to:

 1. The manufacture, sale, or storage of fireworks as governed by the SC Department of Labor Licensing and Regulation, State Board of Pyrotechnic Safety;

 2. The transportation, handling, and/or use of fireworks by the SFM, his employees, or any commissioned law enforcement officers acting within their official capacities;

 3. Fireworks deregulated by the USDOT;

 4. Weapons used in enactments, when there is no projectile;

 5. Artillery field pieces used as salutes with no projectile; and

 6. The outdoor use of model rockets within the scope of NFPA 1122.

71-8305.2. Codes and Standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

 B. The building code shall define occupancy classifications referenced in these regulations.

71-8305.3. Licensing and Permitting Fees.

 A. All fees are due at time of application for licenses, tests, or permitting.

 B. Permit applications are due in the OSFM fifteen days before the performance date. Fees will be doubled for an application received less than fifteen days before the performance date.

 C. The OSFM is responsible for all administrative activities of the licensing program. The SFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section 40-1-50(D), 1976, as amended.

 D. Fees shall be established for the following:

 1. Application

 2. Background Check

 3. Testing

 4. Licensing

 5. Permitting

 6. Inspection

 7. Renewal

 E. All fees are due at time of application for licenses, background checks, testing, permits, inspection or renewal.

 F. All fees paid to the OSFM are nonrefundable.

71-8305.4. Qualifications of Operators.

 A. All Operators.

 1. No person shall be granted a license who has not successfully completed a written examination administered by the OSFM. The exam will cover the applicable codes, state laws, and regulations and the additional requirements listed below for the specific class of license for which they are applying.

 2. Any applicant who fails the written examination is allowed one re-test after a minimum seven-day waiting period. Any applicant who fails the re-test shall wait at least six months before reapplying.

 3. Applicants shall submit a completed fingerprint card with their application. The OSFM will conduct a criminal background check as part of the licensing application process.

 4. Operators using explosives or explosive materials must have the appropriate Federal licenses. Operators shall provide a copy of applicable Federal licenses.

 5. Licenses must be renewed biennially on the day of expiration shown on the license.

 6. Every two years, each licensed operator shall be required to attend training offered by the OSFM or attend pre-approved training providing a total of eight (8) hours of continuing education during the licensing cycle.

 7. The OSFM may revoke, suspend, or deny a license because of, but not limited to:

 a. Failure to comply with any order written by the OSFM;

 b. Conviction of a felony, a crime of violence, or any crime punishable by a term of imprisonment exceeding two years; or

 c. Advocating or knowingly belonging to any organization or group which advocates violent overthrow of or violent action against the federal, state, local government, or its citizens; or

 d. Having or contracting physical or mental illness or conditions that in the judgment of the OSFM would make use or possession of fireworks, pyrotechnics, or explosive materials hazardous to the licensee or the public; or

 e. Violating the terms of the license or essential changes in the conditions under which the license was issued without prior approval of the OSFM;

 f. Violating the state laws or regulations governing Public Fireworks Displays or Proximate Audience Pyrotechnics; or

 g. Giving false information or making a misrepresentation to obtain a license.

 B. Public Display Operators.

 1. Applications for licensing must furnish a notarized statement from a South Carolina licensed display operator concerning their participation in at least 6 fireworks displays and indicating for each display the date, the site, and the name and license number of the supervising operator.

 2. The person in charge of the Public Fireworks Display shall be licensed by the OSFM.

 C. Pyrotechnic Operators.

 1. Applications for licensing must provide written documentation from a South Carolina licensed display operator or company that the applicant has actively participated in the set-up and operation of at least six proximate audience performances using the types of pyrotechnics for the license classification the applicant is seeking. Only the OSFM may accept an alternative number of displays for this requirement based on the applicant’s experience.

 2. Licenses for pyrotechnic operators authorize and place the responsibility for the handling, supervision, and discharge of the fireworks or pyrotechnic device permitted by their license classification. The operator is responsible for the training of his or her assistants in the safe handling, supervision, and discharge of the fireworks or pyrotechnic devices permitted by their license classification.

 a. "Pyrotechnic Operator - Unrestricted" may conduct and take charge of all activity in connection with the use of explosives or explosive materials, rockets, flame effects, Display Fireworks, binary system pyrotechnics, Consumer Fireworks, Theatrical Pyrotechnics, Novelties, and other special effects permitted by the OSFM for a proximate audience display, commercial entertainment, or special effects in motion picture, theatrical, and television productions.

 b. "Pyrotechnic Operator - Commercial Outdoor" may conduct and take charge of all activity in connection with the use of flame effects, Display Fireworks, binary system pyrotechnics, Consumer Fireworks, Theatrical Pyrotechnics, and Novelties permitted by the OSFM for a proximate audience display and commercial entertainment.

 c. "Pyrotechnic Operator - Rockets" may conduct and is restricted to all activities in connection with research, experiments, production, transportation, fuel loading, and launching of all types of experimental, solid fuel, and high power rockets. Only individuals or companies holding valid import, export, or wholesale licenses may import, export, or wholesale experimental high-powered motors.

 d. "Pyrotechnic Operator - Motion Picture Special Effects" may conduct and take charge of all activity in connection with the use of explosives or explosive materials, flame effects, Display Fireworks, binary system pyrotechnics, Consumer Fireworks, Theatrical Pyrotechnics, and Novelties, and other special effects permitted by the OSFM for the sole purpose of motion picture, television, theatrical or operatic productions.

 e. "Pyrotechnic Operator - Commercial Indoor" may conduct and take charge of all activity in

connection with the use of binary system pyrotechnics, Theatrical Pyrotechnics, and Novelties permitted by the OSFM in stage or theatrical productions only.

 f. "Pyrotechnic Operator - Trainee" must function under the direct supervision and control of a pyrotechnic operator for the license classification that he/she is seeking a license.

71-8305.5. Display Permits.

 A. All Displays.

 1. Any person who desires to hold a Public Fireworks Display or a Proximate Audience Display must obtain a permit from the OSFM before the display.

 2. Permits shall be valid for up to one calendar period prescribed or until any condition of the permit application changes. The OSFM shall make final determination of a change of condition in the permit.

 3. All permit forms will be made available on the OSFM website.

 4. The OSFM may revoke, suspend, or deny a permit because of, but not limited to:

 a. The display operator does not possess the correct license classification for the display; or

 b. Not complying with any order written by the OSFM; or

 c. Violating the terms of the permit or essential changes in the conditions under which the permit was issued without prior approval of the OSFM; or

 d. Giving false information or making a misrepresentation to obtain a permit.

 5. The following additional information must be provided with the permit application:

 a. A list of the number, type, and size of fireworks or effects being discharged;

 b. A Diagram of display site including measurements;

 c. Directions to the site; and

 d. A Copy of certificate of insurance.

 6. The AHJ providing fire suppression equipment and personnel for the Public Fireworks Display must sign the permit form.

 7. Permits must be posted at the display site.

 B. Public Fireworks Display Permits.

 1. The sponsor of the display shall forward a copy of the permit to the OSFM along with the items required in these regulations fifteen working days before the display. The permit becomes valid when co-signed by the OSFM.

 2. The validated permit will be distributed as follows:

 a. The OSFM shall retain the original;

 b. A copy to the sponsor;

 c. A copy to the supplier, which will authorize shipment of the fireworks;

 d. A copy to the AHJ providing the fire suppression equipment and personnel for the display;

 e. A copy posted at the display site.

 3. All pyrotechnics shall be purchased from a pyrotechnic manufacturer or distributor licensed by the Board of Pyrotechnic Safety. A licensed Public Display Operator shall be present and supervise firing of all public fireworks displays.

 4. The fireworks supplier shall carry a minimum of $500,000 of Public Liability Insurance. The policy must list the display sponsor, the State of South Carolina, and its agents as additional insured. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

 C. Proximate Audience Display Permits.

 1. Public Liability Insurance in the amount of $500,000 shall be provided by the permittee. The permittee shall furnish a certificate of insurance in this amount with their application. The permittee shall list the State of South Carolina and its agents as additional insured.

 2. Public Liability Insurance in the amount of $1,000,000 shall be provided by any permittee involved with motion picture productions. Motion picture companies employing this person(s) shall list the State of South Carolina and its agents as additional insured.

 3. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

71-8305.6. General Operational Requirements of Displays.

 A. All Displays.

 1. The operator shall have their license in their possession when conducting a display and shall exhibit their license on request of any AHJ.

 2. All displays must have a person in charge that holds the proper license issued by the OSFM for the type of display being conducted.

 3. The SFM or any approved AHJ may enforce these laws and regulations.

 4. Magazine log shall be available for inspection during normal work hours, 1 hour before, and 1 hour after each performance.

 5. Operators must notify the OSFM within 24 hours of any fires or thefts involving fireworks. The operators shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM with a copy of ATF Form 5400.5.

 6. Any person who violates any provision of these laws and regulations will purchase the appropriate permit, pay the appropriate license fee, if any are required, and be subject to the following penalty provisions:

 a. S.C. Code Ann. Section 23-36-170, 1976, as amended.

 b. S.C. Code Ann. Section 23-35-150, 1976, as amended.

 7. Confiscation, storage, or disposal of fireworks, pyrotechnic and explosive materials used for proximate audience or public firework displays by the SFM shall comply with S.C. Code Ann. Section 23-36-110, 1976, as amended.

 8. Storage of special effects pyrotechnics and other material.

 a. All classes of explosives shall be stored in accordance with the South Carolina Explosives Control Act (S.C. Code Ann. Section 23-36-10, et seq., 1976, as amended) or Title 27 Code of Federal Regulations, Subpart K.

 b. All other fireworks or pyrotechnic materials shall be stored per the appropriate NFPA standard.

 9. The AHJ may require the permittee to furnish fire support personnel other than local firefighters.

 B. Public Fireworks Displays.

 1. Where unusual conditions exist, the AHJ may increase the minimum clearances as necessary before granting approval of the display site. The AHJ may not reduce clearances specified in NFPA 1123 without written approval of the OSFM.

 2. A copy of the display permit shall be kept at the firing station.

 3. Operators shall never use damaged fireworks, fireworks that are wet, or fireworks damaged by moisture. Operators shall not dry wet pyrotechnics for reuse. Operators shall handle and dispose of wet or damaged pyrotechnics per the manufacturer’s instructions.

 4. The operator of the display shall keep a record of all shells that fail to ignite or function. The form shall be completed and returned to the supplier within fifteen days of the display and the operator shall retain a copy for their records. The operator and supplier shall retain Malfunction Reports for three years from the date of the display. The operator and supplier must produce these reports upon request of the OSFM. The "Malfunction Report" form shall be available on the OSFM website.

 5. Moorings or anchors shall secure floating vessels or platforms used for firing of a Public Fireworks Display.

 6. Operators shall not reload mortars during a display.

 7. If a display is postponed, the sponsor of the display shall notify the OSFM and the department providing fire suppression equipment and personnel for the display of the alternate date before presenting the display.

 8. It shall be the responsibility of the permittee to arrange with the AHJ for the detailing of firefighters and equipment as required.

 C. Proximate Audience Display.

 1. The licensed pyrotechnic operator is responsible for the storing, handling, supervision, discharge, and removal of all pyrotechnic devices and materials based on their license classification and the terms of their permit. The licensed pyrotechnic operator is responsible for supervising and training of their assistants in the safe handling and discharge of all pyrotechnic devices.

 2. The permit package shall contain a copy of the permit, Certificate of Insurance, and the MSDS(s) for material used.

 3. A copy of the permit package shall be kept at the control site used to initiate the display. An audible announcement shall be made not more than 10 minutes before the display to notify personnel of the use of proximate audience pyrotechnics.

 4. Motion Picture productions shall display one permit package at the production office, and maintain the second permit package on the film site through the First Assistant Director. Before the start of any effect, verbal notification of Proximate Audience Pyrotechnic use shall be required before each camera roll.

 5. The AHJ may inspect the proximate audience display. As a minimum, the inspection shall cover the requirements in Annex B of NFPA 1126.

 6. The permittee shall furnish a fire watch during the times the special effects materials have been removed from storage and/or magazines and the conclusion of the performance. This person shall be identified by an orange shirt or vest (or other color approved by the AHJ) with three-inch white letters on the front and back stating FIRE WATCH. For motion picture productions, the method for identifying the FIRE WATCH shall be a mutually agreed means of designation between the OSFM, the permittee, and the First Assistant Director.

 7. Indoor facilities used for Proximate Audience Displays must be equipped with an automatic fire alarm system and a public address system.

 a. The fire alarm system shall be zoned so that the areas affected by special effects smoke can be overridden during the event.

 b. An override switch shall be provided at the firing point and a second switch in the control room to shut off stage sound and make the public address system available for evacuation instructions. These switches must be labeled and visible throughout the show.

 c. The fire alarm system must be returned to normal operation before the fire watch and the display operator may leave the facility.

71-8305.7. Use of Consumer Fireworks in South Carolina.

 A. It shall be deemed a violation of these regulations to:

 1. Explode or ignite fireworks within 600 ft. of any Assembly Occupancy, Educational Occupancy, Hazardous Occupancy, Institutional Occupancy, or any facility storing or dispensing flammable liquids, combustible liquids, LP-Gas, or other hazardous materials;

 2. Explode or ignite fireworks within 75 ft. of where fireworks are stored, sold or offered for sale;

 3. Ignite, discharge, and/or throw fireworks from any motor vehicle or to place, ignite, discharge, and/or throw fireworks into or at any motor vehicle; and

 4. Ignite or discharge fireworks in a wanton or reckless manner to constitute a threat to the personal safety or property of another.

 B. The distances in R.71-8305.7 A (1) may be reduced if the display is permitted with the OSFM as a Public Fireworks Display or as a Proximate Audience Display.

 C. Consumer Fireworks shall not be used for a Public Fireworks Display unless permitted by the OSFM per the applicable provisions of this regulation and all permit fees are paid.

71-8305.8. Transportation of Fireworks or Pyrotechnics in South Carolina.

 A. Vehicles transporting Display Fireworks (pyrotechnics classified as 1.3 explosives) in any quantity and Consumer Fireworks (pyrotechnics classified as 1.4 explosives) in quantities greater than 1000 lbs. shall be in the custody of drivers with a CDL with a HAZMAT endorsement.

 B. On both sides, on the front, and on the rear, vehicles transporting Display Fireworks (pyrotechnics classified as 1.3 explosives) in any quantity and Consumer Fireworks (pyrotechnics classified as 1.4 explosives) in quantities greater than 1000 lbs. shall prominently display signs marked "EXPLOSIVES" that conform to the USDOT and other federal regulations.

 C. The fire and police departments shall be promptly notified when a vehicle transporting pyrotechnics is involved in an accident, break down, or fire. Only in the event of such an emergency shall the transfer of pyrotechnics from one vehicle to another be allowed on highways and then only when qualified supervision is provided.

 D. Any vehicle used for the transportation of pyrotechnics covered by item A or B above shall have not less than one approved-type fire extinguisher with a minimum rating of 2A 10 B:C and shall be so located as to be readily available for use.

 E. Operators must notify the OSFM within 24 hours of any fires or thefts involving fireworks. The operator shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM with a copy of ATF Form 5400.5.

SUBARTICLE 7

HYDROGEN FACILITIES

71-8306. HYDROGEN FACILITIES.

(Statutory Authority: 1976 Code Section 23-9-550)

71-8306.1. General.

 A. The purpose of these regulations are to provide reasonable safety and protection to the public, public property, private property from the hazards associated with the handling, use, storage, transfer and dispensing at a hydrogen facility.

 B. This regulation shall apply to:

 1. Hydrogen dispensing stations for public or commercial use as a transportation fuel and motor vehicle fuel or in a fuel cell

 2. Bulk hydrogen compressed gas systems for a hydrogen facility

 3. Bulk liquefied hydrogen gas systems for a hydrogen facility

 4. Commercial hydrogen generation systems connected to a hydrogen facility

 5. Engineered and pre-engineered hydrogen fuel cell systems

 C. This regulation shall not apply to:

 1. The manufacture, sale, or storage of small scale hydrogen generation or consumption systems where hydrogen is held in containers of one liter or less and Maximum Allowable Quantities (MAQ) are not exceeded.

 2. The transportation, handling, and/or use of hydrogen by the State Fire Marshal, his employees, or any commissioned law enforcement officers acting within their official capacities.

 3. The manufacture or transportation of bulk hydrogen.

 4. Hydrogen used as an ingredient or by product in the manufacture of a product.

71-8306.2. Codes and standards.

 A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

 B. All facilities shall be designed and installed in accordance with the adopted codes and standards listed in R.71-8300.2.

 C. Alternate Materials and Alternate Methods of Construction. Compliance with a current edition of NFPA 2 may be used for consideration of alternative means, methods and materials if found suitable by the State Fire Marshal per R.71-8300.3.

71-8306.3. Engineered and pre-engineered systems

 A. Engineered hydrogen systems

 1. All installations shall be in accordance with South Carolina Laws, Regulations, and adopted Codes.

 2. Plans and specifications prepared by a licensed engineer or prepared under the licensee’s direct supervision must be stamped with seals prior to submission and review by OSFM.

 B. Pre-engineered hydrogen systems.

 1. All installations shall be in accordance with South Carolina Laws, Regulations, and adopted Codes.

 2. Plans and specifications are not required to be prepared by a licensed engineer nor be stamped with seals prior to submission and review by OSFM.

71-8306.4. Permit application requirements for hydrogen facilities.

 A. The OSFM may issue a permit to a location when presented a completed application that contains at least the following, where applicable:

 1. A site plan, drawn to scale, which shows equipment locations and point(s) of transfer with respect to property lines, nearby structures, roads & dikes, power lines, and other potential ignition sources;

 2. An accidental release plan;

 3. The piping layout with valves and fitting details;

 4. Normal and emergency ventilation designs;

 5. Container capacity (or capacities) and design standards;

 6. Electrical plan;

 7. Container and piping support details;

 8. Information concerning onsite fire protection equipment;

 9. Information concerning the project’s beginning and ending points, if part of a larger system;

 10. Listed equipment with listing agency;

 11. Unless exempted, design documents sealed by an engineer licensed in South Carolina; and,

 12. All applicable fees paid in full.

71-8306.5. Licensing and permitting fees.

 A. All fees are due at time of application for licenses, tests, or permitting.

 B. Permit applications are due in the OSFM prior to construction or installation.

 C. Approval of plans for hydrogen facilities are to be obtained prior to start of construction or installation.

 D. The OSFM is responsible for all administrative activities of the licensing program. The State Fire Marshal shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program.

 E. Fees shall be established for the following:

 1. Application fee $10

 2. Permitting fee (includes plan review and initial site inspection) $250 plus actual expenses incurred based upon location and complexity

 3. Inspection fee (semi-annual) $100 plus actual expenses incurred based upon location and complexity

 4. Renewal of permits (annual – includes inspection) $100 plus actual expenses incurred based upon location and complexity

 F. The application fee is due at time of application for license. All other fees will be billed and must be paid prior to issuance of license.

 G. All fees paid to the OSFM are nonrefundable.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

 The updated regulations will eliminate redundant and unnecessary regulations; update the remaining existing regulations; use a standardized format for all regulations; and to make the current regulations compatible with current federal and state statutes.