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

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Document No. 4378

**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

Article 8. Office of State Fire Marshal

**Synopsis:**

 Regulations 71-8300.1 through 71-8305.8 must be amended and Regulations 71-8306.1 through Regulations 71-8312 are repealed in conformance with NFPA codes and standards.

 The Notice of Drafting was published in the *State Register* on October 26, 2012.

**Instructions:**

The following sections of Chapter 71 are modified as provided below. All other items and sections remain unchanged.

**Text:**

ARTICLE 8

OFFICE OF STATE FIRE MARSHAL

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. The purpose of these regulations is for safeguarding to a reasonable degree, life and property from fire, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises. These regulations shall be the minimum standards required by the Office of State Fire Marshal for fire prevention and life safety in South Carolina for all buildings and structures.

 C. Applicability.

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

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

 3. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to Title 6, Chapter 9 of the South Carolina Code by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall apply. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

 4. 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.

 b. One‑story buildings less than 5,000 square feet, unless the building is classified as a Group A, E, I, R‑1, R‑2, R‑4, or H occupancy by the adopted building code.

 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. If the occupancy classification or sub‑classification of a portion of an existing building changes, that portion of the existing building shall conform with the current code.

 E. Investigations.

 1. If the State Fire Marshal or his designee has reason to believe that a person has violated a provision of these regulations, or if a person files a written complaint with the State Fire Marshal charging a violation of a provision of these regulations, the State Fire Marshal may initiate an investigation or may refer the complaint to the local fire code official.

 2. Whenever it is necessary to make an inspection to enforce the requirements of these regulations, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of these regulations which make the building or premises unsafe, dangerous or hazardous, the fire code official or other designee of the State Fire Marshal may enter the building or premises at reasonable times to inspect or to perform any other duties imposed by law. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

 3. For the purpose of an inspection, investigation or proceeding under these regulations, the Department may administer oaths and issue subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on behalf of the State Fire Marshal or, upon request, on behalf of a party to the case. Upon failure to obey a subpoena or to answer questions propounded by the State Fire Marshal, the Department may apply to an Administrative Law Court for an order requiring the person to comply with the subpoena.

 F. Enforcement.

 1. No person, firm, or corporation shall erect, construct, alter, repair, remove, demolish, or use a building, structure, premises, or system or cause same to be done in violation of these regulations.

 2. No person, firm, or corporation shall occupy, use, or maintain a building, structure, premises, or system in violation of these regulations.

 3. All new and existing buildings, structures and premises shall be maintained in a safe condition. All devices and safeguards required in a building when erected, altered, or repaired shall be maintained per the manufacturer's requirements and the applicable codes. The owner or his designated agent is responsible for the maintenance of buildings, structures, and premises.

 4. Where there is a conflict between two adopted codes, the code official shall favor the code providing the greatest protection for life safety, generally preferring active fire suppression over passive fire protection.

 5. For a violation of these regulations or the adopted codes, the local fire code authority, municipal or county attorneys, or other appropriate authorities of a political subdivision, or an adjacent or neighboring property owner who would be damaged by the violation, or the State Fire Marshal, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceedings. A court may grant temporary injunctive relief upon receipt of a verified complaint of an immediate danger or emergency situation.

 6. If the State Fire Marshal, his designee or the fire code official has reason to believe that the lack of compliance with fire and life safety codes in any structure constitutes an immediate danger to the public which could reasonably be expected to injure seriously or cause death to members of the public, the State Fire Marshal or the local fire code official may apply to the circuit court in the county in which the dangerous condition exists for a temporary order for the purpose of enjoining the use of the dangerous structure. Upon hearing, if considered appropriate by the court, a permanent injunction may be issued to ensure that the use of that dangerous facility be prevented or controlled. Upon the elimination or rectification of the dangerous condition, the temporary or permanent injunction must be vacated.

 7. If the State Fire Marshal has reason to believe that a person is violating or intends to violate provisions of these regulations, in addition to other remedies, it may order the person immediately to refrain from the conduct. The State Fire Marshal may apply to the Administrative Law Court for an injunction restraining the person from the conduct. The court may issue a temporary injunction ex parte not to exceed ten days and upon notice and full hearing may issue other orders in the matter it considers proper. No bond is required of the State Fire Marshal by the court as a condition to the issuance of an injunction or order pursuant to this section.

 G. Unsafe Buildings.

 1. The AHJ or the fire department official in charge of an incident is authorized to order the immediate evacuation of any building deemed unsafe when such building has hazardous conditions that present imminent danger to the public. Persons so notified shall immediately leave the structure or premises and shall not enter or re‑enter until authorized to do so by the code official or fire department official in charge of the incident. The official shall cause to be posted at each entrance to such a building, a notice substantially as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE FIRE CODE OFFICIAL FOR \_\_\_\_\_\_\_\_\_\_ or BY THE STATE FIRE MARSHAL."

 2. The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action.

 3. The owner, agent or person in control of any building cited as unsafe for occupancy by the State Fire Marshal may appeal to the Administrative Law Court. Emergency decisions of the State Fire Marshal or of a fire department official in charge of an incident are not stayed pending appeal.

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

 1. "AHJ" means Authority Having Jurisdiction, which is the State Fire Marshal or any local fire official covered by South Carolina Code 23‑9‑30.

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

 3. "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.

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

 5. “ICC” means the International Code Council.

 6. "IBC" means the International Building Code.

 7. "IEBC" means the International Existing Building Code.

 8. "IFC" means the International Fire Code.

 9. "IMC" means the International Mechanical Code.

 10. "NEC" means the National Electrical Code or NFPA 70.

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

 12. "NFPA 101" means the Life Safety Code.

 13. "SFM" means State Fire Marshal or his agent.

71‑8300.2. Codes and Standards.

 A. All references to 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 (as adopted pursuant to Title 6, Chapter 9 of the South Carolina Code) 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.

 C. The requirements of NFPA 10 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 suppression systems in South Carolina except as modified by these regulations.

 1. NFPA 11

 2. NFPA 12

 3. NFPA 12A

 4. NFPA 17

 5. NFPA 17A

 6. NFPA 750

 7. NFPA 2001

 8. NFPA 2010

 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

 2. NFPA 13D

 3. NFPA 13R

 4. NFPA 14

 5. NFPA 15

 6. NFPA 16

 7. NFPA 18

 8. NFPA 20

 9. NFPA 22

 10. NFPA 24

 11. NFPA 25

 12. NFPA 214

 F. The requirements of NFPA 30 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 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 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 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 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 liquefied petroleum gases and the odorization of such gases in South Carolina except as modified by these regulations.

 K. The requirements of NFPA 59 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 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 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 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 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 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 SCRR 71‑8300.10 except as modified by these regulations.

 Q. The requirements of the NFPA 102 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, 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 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 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 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, 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 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, 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 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 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 Office of State Fire Marshal shall post a list of the currently adopted Editions of the codes and standards listed above on the Office of State Fire Marshal's Web site when they are updated using SC Code of Laws 1‑34‑30.

 CC. All referenced standards adopted by the Office of State Fire Marshal shall be accessible at no cost to the public through the Office of State Fire Marshal's Web page as "read only" documents.

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 State Fire Marshal. The State Fire Marshal 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 State Fire Marshal shall require submission of sufficient evidence or proof to substantiate any claim made regarding use of alternative materials and methods.

 B. Compliance with NFPA 101 may be used for consideration of alternative methods if found suitable by the State Fire Marshal.

71‑8300.4. Plans, Specifications and Incident Reporting.

 A. Plans and Specifications.

 1. Plans and specifications must be submitted to the SFM for the following:

 a. Local detention facilities per 24‑9-40.

 b. Water‑based extinguishing systems per 40‑10‑260.

 c. Aboveground tanks storing flammable or combustible liquids per 39‑41‑260.

 d. LP Gas facilities per 40‑82‑10 et seq.

 2. Submitted plans, calculations, and specifications shall:

 a. Be prepared by a licensed architect and/or engineer where required by state laws or regulations.

 b. Provide sufficient information to indicate how compliance with state laws, regulations, and adopted codes will be accomplished. Codes shall not be cited in whole or part as a substitute for providing specific information.

 3. The Office of State Fire Marshal will publish a list of minimum information required to conduct a plan review when a list is not contained in the adopted standards. The Office of State Fire Marshal will make these lists available on the Office of State Fire Marshal's Web site.

 4. The SFM may revoke any approval issued under the requirements of these regulations where the approval was based on any false statement or misrepresentation of fact in correspondences, plans, specifications, or data.

 B. Incident Reporting.

 1. The local fire chief or his designee shall furnish to the Office of State Fire Marshal, information concerning incidents and fire fatalities occurring within their jurisdiction. These reports shall include facts relating to any fire, its cause and origin, property loss, and other pertinent information as prescribed by the Office of State Fire Marshal, in an approved format.

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

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 regulation is to clarify the application of current codes and retroactive application of the regulations to existing licensed special occupancies covered by these regulations.

 B. This regulation shall apply to:

 1. Existing day care facilities and

 2. New or existing foster homes.

 C. This regulation shall not apply to new daycare facilities. New daycare facilities shall comply with SCRR 71‑8300.

71‑8301.2. Codes and Standards.

 A. All references to ICC Codes found in these regulations refer to the editions adopted in SCRR 71‑8300.2. The building code shall define occupancy classifications referenced in these regulations.

 B. All references to NFPA standards found in these regulations refer to the editions adopted in SCRR 71‑8300.2 and are modified by the following regulations as shown below.

71‑8301.3. Requirements for Special Occupancies.

 A. All Child Day Care Facilities shall comply with the following:

 1. All Child Day Care Facilities keeping children first grade and younger shall be located on the floor of exit discharge. Second grade children shall not be located more than one (1) story above or below the floor of exit discharge. This restriction does not apply to structures equipped throughout with an NFPA 13 sprinkler system.

 a. All facilities with fire alarm systems shall be designed, installed, and maintained per NFPA 72.

 b. Each Child Day Care Center serving more than one hundred clients shall have a fire alarm system to provide off‑premise notification to the fire department per NFPA 72.

 c. All facilities licensed after 1999 shall have a listed smoke detector installed and maintained per NFPA 72 in every room occupied by clients, excluding bathrooms and closets.

 d. All facilities continuously licensed before 1999 may use hard‑wired single station smoke detectors with battery backup.

 2. Closed facilities that reopen must comply with the codes in effect at the time of licensure.

 3. An existing Child Day Care Facility that has been continuously licensed may continue operation under the codes to which it was initially licensed. These facilities shall also meet the following standards:

 a. Facilities providing care, maintenance, and supervision for thirteen (13) or more clients for less than twenty‑four (24) hours but more than four (4) hours per day shall be classified as Group E occupancy.

 b. Special protective covers for electrical receptacles shall be installed on all receptacles located in areas occupied by clients.

 c. Emergency evacuation drills shall include complete evacuation of all persons from the building.

 d. The owner shall maintain records of emergency evacuation drills for at least three (3) years.

 e. Facilities shall provide a copy of their Fire Evacuation Plan to the responding fire department. The plan must note the rooms keeping children under twenty‑four (24) months of age.

 f. Facilities with six (6) or more children under twenty‑four (24) months of age shall comply with the regulations for "Facilities with Children Under 24 Months of Age" (S.C. Reg. 71‑8301.3(B)).

 4. The State Fire Marshal has authority to approve alternate methods of compliance within the intent of the regulations for existing facilities.

 B. Existing "Facilities with Children Under 24 Months of Age"

 1. Facilities caring for four or more children under twenty‑four (24) months of age unattended by a parent or guardian shall provide the following safeguards:

 a. Rooms shall have a one (1) hour fire rated separation. No fire rated separation is required between adjacent rooms caring for children less than twenty‑four (24) months of age.

 b. Rooms shall have a direct exit to the outside. Exit door(s) from infant rooms shall swing in the direction of egress and the door leaf shall be at least thirty‑six (36) inches wide.

 c. Rooms shall be limited to twelve (12) children per direct exit. There shall be no more than twenty‑four (24) children per room. Older children kept in the room shall be counted as part of the total for direct exits and room occupancy considerations.

 d. Rooms shall not have any type of open flame appliances.

 e. Rooms shall have smoke detectors installed and maintained per NFPA 72 inside the room and in the adjacent area of the facility near the protected room's entrance.

 f. Doors in the required one‑hour separation partitions shall be twenty (20) minute labeled doors equipped with door closures or a smoke actuated hold‑open device.

 g. Facilities shall develop a fire safety and evacuation plan complying with the requirements for Group E occupancies in the IFC.

 h. Facilities shall provide a copy of their fire safety and evacuation plan to the local fire authorities. The plan must note the rooms keeping children under twenty‑four (24) months of age.

 i. Emergency evacuation drills shall comply with the requirements for Group E occupancies in the IFC. The owner shall maintain records per the IFC of emergency evacuation drills for at least three (3) years.

 j. Portable unvented fuel‑fired heating equipment shall be prohibited in all infant rooms and daycares.

 C. Existing Child Group Day Care

 1. Facilities providing care, maintenance, and supervision for seven (7) to twelve (12) children for less than twenty‑four (24) hours but more than four (4) hours per day shall be classified as Group R‑3 occupancy.

 a. Group day care facilities shall be separated from other type occupancies (excluding owner residence) by a one (1) hour fire barrier constructed per the IBC.

 b. Group day care facilities located in R‑2 occupancies shall be located on the floor of exit discharge.

 c. Each group day care facility occupied by clients shall have at least two (2) independent means of escape as defined in NFPA 101.

 d. The doorway between the level of exit discharge and any floor below shall be equipped with a self‑closing 1 1/2"' solid core wood door or a labeled fire rated door with a twenty (20) minute or higher rating.

 e. Group day care is prohibited in manufactured housing (mobile homes).

 f. A fire plan describing what actions are to be taken by the staff in the event of a fire must be developed, posted, and copies made available to staff members and the local fire department. This plan shall note the location of all crib children under twenty‑four (24) months of age.

 g. A fire drill shall be conducted per the IFC for educational occupancies. Records of drills shall be maintained for a period of three (3) years and report the date, time, description, and evaluation of each drill.

 h. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed in cooking areas. The fire extinguishers shall be installed and maintained per NFPA 10.

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

 j. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and means to protect clients from burns.

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

 l. Facilities with six (6) or more children under twenty‑four (24) months of age shall comply with S.C. Reg. 71‑8301.3(B) for "Facilities with Children Under 24 Months of Age."

 m. Portable unvented fuel‑fired heating equipment shall be prohibited in all group day cares.

 D. Existing Child Family Day Care Facilities

 1. Facilities providing care, maintenance, and supervision for six (6) or less children for less than twenty‑four (24) hours but more than four (4) hours per day shall be classified as Group R‑3 occupancy.

 a. Family day care facilities shall be separated from other type occupancies (excluding owner residence) by a one‑hour fire barrier constructed per the IBC.

 b. Family day care facilities located in R‑2 occupancies shall be located on the floor of exit discharge.

 c. Each family day care facility occupied by clients shall have at least two (2) independent means of escape as defined in NFPA 101.

 d. The doorway between the level of exit discharge and any floor below shall be equipped with a self‑closing 1 1/2"' solid core wood door or a labeled fire rated door with a twenty (20) minute or higher rating.

 e. A fire plan describing what actions are to be taken by the staff in the event of a fire must be developed, posted, and copies made available to staff members and the local fire department. This plan shall note the location of all crib children under twenty‑four (24) months of age.

 f. A fire drill shall be conducted per the IFC for educational occupancies. Records of drills shall be maintained for a period of three (3) years and report the date, time, description, and evaluation of each drill.

 g. The interior finish in occupied spaces and exits in family day care facilities shall be a minimum of Class C.

 h. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed in cooking areas. The fire extinguishers shall be installed and maintained per NFPA 10.

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

 j. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and means to protect clients from burns.

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

 l. Facilities with six (6) or more children under twenty‑four (24) months of age shall comply with the regulations for "Facilities with Children Under 24 Months of Age" (S.C. Reg. 71‑8301.3(B)).

 m. Portable unvented fuel‑fired heating equipment shall be prohibited in all family day cares.

 E. All Foster Home Facilities

 1. Foster homes providing care, maintenance, and supervision for no more than five (5) 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. Listed smoke alarms shall be installed in the following locations:

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

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

 (iii) In each habitable story within a dwelling.

 c. 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.

 d. Listed smoke alarms 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.

 e. 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.

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

 g. All sleeping rooms below the fourth story shall have emergency escape and rescue openings that open from the inside and are sized to permit the egress of the occupants.

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

 i. 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.

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

 k. 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.

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

 m. 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.

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

 o. Portable unvented fuel‑fired heating equipment shall be prohibited in all foster homes.

 p. 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.

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

 r. 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.

 s. 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.

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 NFPA 495 found in these regulations refer to the edition adopted in SCRR 71‑8300.2 and are modified by the following 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 Office of State Fire Marshal 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. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40‑1‑50(D).

 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. Applications for blasting permits shall be submitted to the Office of State Fire Marshal for approval 48 hours before the start of blasting operations. Applications submitted less than 48 hours before the start of blasting operations will be subject to a $200.00 special processing fee.

 F. All fees paid to the Office of State Fire Marshal 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 Office of State Fire Marshal 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 State Fire Marshal 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 Office of State Fire Marshal 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 Department of Insurance in this State or approved by the Department of Insurance 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 State Fire Marshal's Office.

 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 Office of State Fire Marshal 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 Office of the State Fire Marshal. Certificates of training or other proof of training attendance must be provided when requested by the Office of State Fire Marshal.

 e. Provide proof of insurance. The coverage company must be an insurer which is either licensed by the Department of Insurance in this State or approved by the Department of Insurance 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 State Fire Marshal's Office.

 C. Blasting Permits

 1. Blasting Permit Application Forms shall contain the information deemed appropriate by the Office of State Fire Marshal.

 2. Blasting Permit Application Forms shall be available on the State Fire Marshal's Web site.

 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 State Fire Marshal or his designee.

 D. Magazine Permits

 1. Magazine Permit Application Forms shall contain the information deemed appropriate by the Office of State Fire Marshal.

 2. Magazine Permit Application Forms shall be available on the State Fire Marshal's Web site.

 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 Office of State Fire Marshal may, at their discretion, charge the administrative costs of replacing the magazine permit.

 5. Each magazine shall be inspected and approved by the Office of State Fire Marshal before use.

71‑8302.5. Records.

 A. Licensed blasters shall keep records of each blast. 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 Office of State Fire Marshal and submit these forms within three working days of the blast when deemed necessary by the Office of State Fire Marshal.

 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 Office of State Fire Marshal 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 State Fire Marshal.

 E. Operators must notify the State Fire Marshal within 24 hours of any fires or thefts involving explosives. The operators shall provide the State Fire Marshal with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the State Fire Marshal's Office with a copy of U. S. Bureau of Alcohol, Tobacco, and Firearms 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 State Fire Marshal 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 State Explosives Control Act 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 State Fire Marshal 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 State Fire Marshal.

 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 40‑10‑240 et seq; and

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

 D. Definitions

 1. "Citation" means a summons to appear before the State Fire Marshal 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.

 2. "DOT" means U.S. Department of Transportation.

 3. "Fixed Extinguishing System" means both an Engineered and Pre‑Engineered fire extinguishing system.

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

 5. "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.

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

71‑8303.2. Codes and Standards.

 A. All references found in these regulations refer to the editions adopted in SCRR 71‑8300.2 and are modified by the following regulations as shown below.

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

 A. The Office of State Fire Marshal 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. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40‑1‑50(D).

 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 Office of State Fire Marshal 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 Office of State Fire Marshal.

 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 Office of State Fire Marshal, 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 Department of Insurance in this State or approved by the Department of Insurance 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 Office of State Fire Marshal.

 5. Each firm shall possess the equipment required for the class of license sought. The State Fire Marshal shall inspect the firm's facilities to verify the firm has the minimum required equipment. The State Fire Marshal 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 Office of State Fire Marshal.

 2. Each individual shall apply in writing on a form available from the Office of State Fire Marshal, 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 Office of State Fire Marshal 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 authority having jurisdiction.

 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 preengineered 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 preengineered 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 Office of State Fire Marshal 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 Office of State Fire Marshal, 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 Office of State Fire Marshal, 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 preengineered 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 Office of State Fire Marshal, 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 Office of State Fire Marshal.

 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 United States Department of Transportation (DOT) shall be required to possess a valid license issued by the DOT. All hydrostatic testing of fire extinguishers shall be performed per the appropriate DOT standards and NFPA standards.

 B. Each employee certified to conduct hydrostatic testing shall attend a DOT certification refresher course every three years and provide a copy of the current certification to the Office of State Fire Marshal 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 Office of State Fire Marshal Minimum Equipment and Facility Requirements

 for a Fire Equipment Dealer License

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 Minimum Equipment and Facilities Required

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 YES NO N/A

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1 A D Hydrostatic test equipment for high pressure

 testing and calibrated cylinder. (0‑11,000 psi)

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2 A D Equipment for test dating high‑pressure cylinders

 (over 900 psi). Die stamps must be a minimum of

 1/4 inches.

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3 A D Clock with sweep secondhand on or close to

 hydrostatic test apparatus.

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4 A B D CO2 receiver‑‑cascade system for proper filling

 of CO2 extinguishers.

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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.

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6 A B C D Scales graduated in 1/8 ounce or 1 gram weight if

 refilling CO2 cartridges. Minimum of 20 lbs.

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7 A B C D All Scales calibrated within the last 12 months.

 Certification date(s)\_\_\_\_\_\_\_\_\_\_ Certified

 by\_\_\_\_\_\_\_\_\_\_

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8 A B C D Approved drying method for high and low pressure

 cylinders. Listed for its use.

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9 A B C D Proper wrenches with non‑serrated jaws or valve

 puller (hydraulic or electric).

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10 A B C D Inspection light.

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11 A B C D Low‑pressure test apparatus.

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12 A B C D Low‑pressure hydrostatic test labels per NFPA 10.

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13 A B C D Scales for weighing extinguisher/system agent

 bottles during inspection and filling, minimum

 of 500 lbs. Calibrated and certified annually.

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14 A B C D Closed recovery system(s) and storage to remove

 and store chemicals from fire extinguishers or

 system cylinders during servicing.

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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.

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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 State Fire Marshal.

 A. Powers and duties of the State Fire Marshal 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 State Fire Marshal, 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 State Fire Marshal shall maintain a registry of all applications for licenses or permits and of all firms or persons holding licenses or permits. The State Fire Marshal 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 State Fire Marshal's Web site.

 E. At least ninety (90) days before the expiration of a license, the State Fire Marshal 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 State Fire Marshal.

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

 A. If the State Fire Marshal 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 Office of State Fire Marshal alleging a violation of a provision of this chapter by a license or permit holder or if a complaint is filed with the State Fire Marshal alleging that an licensed person is fraudulently holding him or herself out as qualified to engage in business as a Fire Equipment Dealer, the State Fire Marshal 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 State Fire Marshal 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 DOT 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 State Fire Marshal, 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 State Fire Marshal 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, he or his 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 system, which is required by any rule of the State Fire Marshal, except during such time as the extinguisher, or fixed 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 State Fire Marshal 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 State Fire Marshal authorizes any Deputy State Fire Marshal 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 State Fire Marshal may assess fines for each charge to both the fire equipment company and the permit holder. Citations shall be assessed by the State Fire Marshal 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 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 Liquefied Petroleum 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 International Gas Code.

 D. Definitions

 1. "LP Gas" means Liquefied Petroleum Gas as defined in 40‑82‑20.

71‑8304.2. Codes and Standards.

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

71‑8304.3. Licensing and Permitting Fees.

 A. The Office of State Fire Marshal 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. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40‑1‑50(D).

 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 Office of State Fire Marshal are nonrefundable.

71‑8304.4. Licensing Requirements.

 A. Licenses

 1. Each company shall possess a license issued by the Office of State Fire Marshal.

 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 Office of State Fire Marshal 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 Office of State Fire Marshal.

 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.

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.)

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 State Fire Marshal, his employees, or any commissioned law enforcement officers acting within their official capacities;

 3. Fireworks deregulated by the U.S. Department of Transportation;

 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.

 D. Definitions.

 1. "AHJ" means Authority Having Jurisdiction, which is the State Fire Marshal, or his agents, or any local fire official covered by 23‑9‑30.

 2. "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 U.S. Department of Transportation 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 U.S. Department of Transportation hazard classification 1.4g. These fireworks were formerly known as "Class C Fireworks."

 3. "Day box" means a portable magazine used for immediate storage of pyrotechnic materials.

 4. "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 U.S. Department of Transportation 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 U.S. Department of Transportation as hazard classification 1.3g. These fireworks were formerly known as "Class B Fireworks."

 5. "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.

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

 7. "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.

 8. "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.

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

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

 11. "SFM" means State Fire Marshal or his agent.

 12. "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.

71‑8305.2. Codes and Standards.

 A. All references to ICC Codes found in these regulations refer to the editions adopted in SCRR 71‑8300.2. The building code shall define occupancy classifications referenced in these regulations.

 B. All references to NFPA standards found in these regulations refer to the editions adopted in SCRR 71‑8300.2 and are modified by the following regulations as shown below.

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 Office of State Fire Marshal fifteen days before the performance date. Fees will be doubled for an application received less than fifteen days before the performance date.

 C. The Office of State Fire Marshal 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. Fees may be adjusted not more than once each two years, using the method set out in South Carolina Code 40‑1‑50(D).

 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 Office of State Fire Marshal 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 Office of State Fire Marshal. 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 Office of State Fire Marshal 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 Office of State Fire Marshal or attend pre‑approved training providing a total of eight (8) hours of continuing education during the licensing cycle.

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

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

 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 State Fire Marshal 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 Office of State Fire Marshal;

 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 Office of State Fire Marshal.

 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 State Fire Marshal 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 Office of State Fire Marshal 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 Office of State Fire Marshal 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 Office of State Fire Marshal 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 Office of State Fire Marshal 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 Office of State Fire Marshal 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 State Fire Marshal shall make final determination of a change of condition in the permit.

 3. All permit forms will be made available on the State Fire Marshal's Web site.

 4. The State Fire Marshal 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 State Fire Marshal; 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 Office of State Fire Marshal; 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 Authority Having Jurisdiction 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 Office of State Fire Marshal along with the items required in these regulations fifteen working days before the display. The permit becomes valid when co‑signed by the State Fire Marshal.

 2. The validated permit will be distributed as follows:

 a. The Office of State Fire Marshal 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 Authority Having Jurisdiction 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 Department of Insurance in this State or approved by the Department of Insurance 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 Office of State Fire Marshal.

 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 Department of Insurance in this State or approved by the Department of Insurance 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 Office of State Fire Marshal.

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 Authority Having Jurisdiction.

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

 3. The SFM or any approved authority having jurisdiction 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 Office of State Fire Marshal within 24 hours of any fires or thefts involving fireworks. The operators shall provide the Office of State Fire Marshal with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the Office of State Fire Marshal 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:

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

 b. S.C. Code Ann. 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. 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 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 Office of State Fire Marshal.

 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 State Fire Marshal. The "Malfunction Report" form will be available on the State Fire Marshal's 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 Office of State Fire Marshal 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 State Fire Marshal, 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 SCRR 71‑8305.7 A (1) maybe reduced if the display is permitted with the Office of State Fire Marshal 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 Office of State Fire Marshal 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 United States Department of Transportation 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 Office of State Fire Marshal within 24 hours of any fires or thefts involving fireworks. The operator shall provide the Office of State Fire Marshal with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the Office of State Fire Marshal with a copy of ATF Form 5400.5.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

 These regulations are updated in conformance with national adopted codes and standards