

The Senate Committee on Public Safety offered the following substitute to HB 149:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to provide for the comprehensive regulation of trauma scene
3 cleanup services; to provide for definitions; to provide for registration requirements; to
4 provide for qualifications; to provide for penalties for violations; to provide for emergencies;
5 to provide for rules and regulations; to provide for exemptions; to amend Title 25, Title 8,
6 Chapter 1 of Title 10, Title 16, Article 9 of Chapter 3 of Title 35, Code Section 35-8-10,
7 Chapter 25 of Title 43, Title 45, Article 1 of Chapter 13 of Title 50 of the Official Code of
8 Georgia Annotated, relating to fire protection and safety, buildings and housing, selling and
9 other trade practices, crimes and offenses, the Georgia Information Sharing and Analysis
10 Center, applicability and effect of peace officer certification requirements generally and
11 requirements as to exempt persons, operators of motor vehicle racetracks, public officers and
12 employees, and general provisions regarding administrative procedure, respectively, so as
13 to enact the "Consolidation of Fire Safety Services in Georgia Act"; to establish the
14 Department of Fire Safety; to establish the position of commissioner of fire safety; to
15 establish the Board of Fire Safety; to provide for duties, responsibilities, and authority of the
16 Board of Fire Safety; to establish the Professional Development Division of the Department
17 of Fire Safety and transfer duties from the Georgia Firefighter Standards and Training
18 Council; to transfer duties from the Commissioner of Insurance as the Safety Fire
19 Commissioner to the commissioner of fire safety; to provide for duties and responsibilities
20 of the Department of Fire Safety; to provide for adoption of rules and regulations; to vest
21 certain emergency and terrorism fire service preparedness functions in the commissioner of
22 fire safety; to revise the appointment authority and duties and responsibilities of the state fire
23 marshal; to provide for the position of local fire marshals; to transfer certain functions and
24 duties relating to the regulation of elevators, dumbwaiters, escalators, manlifts, and moving
25 walks from the Safety Fire Commissioner to the commissioner of fire safety; to transfer
26 administration of "The Uniform Standards Code for Manufactured Homes Act" from the
27 Safety Fire Commissioner to the commissioner of fire safety; to transfer duties regarding the
28 installation of manufactured homes and mobile homes from the Safety Fire Commissioner

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

60 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by adding a new chapter to read as follows:

"CHAPTER 11

35-11-1.

As used in this chapter, the term:

- (1) 'Bureau' means the Georgia Bureau of Investigation.
- (2) 'Director' means the director of the Georgia Bureau of Investigation.
- (3) 'Pathogen' means a microorganism, including bacteria, viruses, rickettsiae, and parasites, or other agent, such as a proteinaceous infectious particle or prion, that can cause disease in humans.
- (4) 'Potentially infectious material' means material known or reasonably expected to contain a pathogen.
- (5) 'Regulated biomedical waste' means and includes the following:
 - (A) Biological waste, which includes blood and blood products, exudates, secretions, suctionings, and other body fluids which contain free liquids and cannot be or are not directly discarded into a municipal sewer system;
 - (B) Pathological waste, which includes all recognizable human tissues and body parts except teeth; and
 - (C) Sharps, which includes any discarded article that may cause punctures or cuts including, but not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.
- (6) 'Trauma scene' means a location soiled by or contaminated with potentially infectious material or regulated biomedical waste due to the occurrence of a homicide or suicide, or the occurrence of a death of a human being in which there is advanced decomposition of the body; provided, however, that such term shall not include the scene of a motor vehicle accident or locations which are subject to the laws and regulations of the federal Occupational Safety and Health Administration.
- (7) 'Trauma scene waste' means potentially infectious material or regulated biomedical waste that has been removed, is to be removed, or is in the process of being removed from a trauma scene.

93 (8) 'Trauma scene waste management practitioner' means the owner of any interest in a
94 commercial enterprise for the cleanup or removal of trauma scene waste and who is
95 registered with the bureau pursuant to this chapter.

96 35-11-2.

97 (a) A trauma scene waste management practitioner shall be registered with the bureau on
98 forms provided by and in a manner as directed by the bureau. Such registration shall be in
99 addition to and not in place of any other registrations or licenses from other state agencies
100 required by law. No county or municipal governments shall be authorized to require
101 licenses, registrations, or permits for trauma scene waste management practitioners in this
102 state.

103 (b) The bureau, upon its approval of an application, shall issue a registration to a trauma
104 scene waste management practitioner who meets the qualifications for such registration and
105 who submits a completed application form and registration fee. Such registration shall be
106 valid for a period of three years from the date of issuance and may be renewed for
107 additional three-year periods.

108 (c) Trauma scene waste management practitioners shall pay an initial registration fee of
109 \$100.00 to the bureau and, for each subsequent renewal of such registration, shall pay to
110 the bureau a registration renewal fee of \$100.00.

111 35-11-3.

112 The bureau shall maintain a current list of all registered trauma scene waste management
113 practitioners on the bureau's website.

114 35-11-4.

115 (a) Each trauma scene waste management practitioner shall, prior to being registered,
116 submit to a fingerprint based criminal background check conducted by the Georgia Crime
117 Information Center and Federal Bureau of Investigation. No person who has been
118 convicted of any felony under the laws of this state or any another state or the federal
119 government shall be issued a trauma scene waste management practitioner registration.
120 Each trauma scene waste management practitioner shall submit to a fingerprint based
121 criminal background check conducted by the Georgia Crime Information Center and
122 Federal Bureau of Investigation every three years following such initial background check.

123 (b) Each trauma scene waste management practitioner shall, upon approval of his or her
124 registration by the bureau, submit to the bureau a bond executed with a surety company
125 duly authorized to do business in this state and payable to the Governor for the use and
126 benefit of any person who is harmed by such trauma scene waste management practitioner.

127 his or her employee, or an independent contractor of such trauma scene waste management
128 practitioner in the performance of trauma scene waste management services. The bond
129 shall be in the amount of \$25,000.00. The bond shall be approved by the bureau as to form
130 and the solvency of the surety. No trauma scene waste management practitioner or surety
131 shall cancel, or cause to be canceled, a bond issued pursuant to this subsection unless the
132 director is informed in writing by a certified letter at least 30 days prior to the proposed
133 cancellation. If the trauma scene waste management practitioner or surety cancels the bond
134 and the trauma scene waste management practitioner fails to submit, within ten days of the
135 effective date of the cancellation, a new bond, the director shall revoke such trauma scene
136 waste management practitioner's registration.

137 (c) Each trauma scene waste management practitioner shall provide the bureau with proof
138 of liability insurance coverage for the trauma scene waste management practitioner, his or
139 her employees, and independent contractors of such trauma scene waste management
140 practitioner who perform trauma scene waste management services in the amount of at
141 least \$100,000.00 for each occurrence. No trauma scene waste management practitioner
142 or insurance carrier shall cancel, or cause to be canceled, a liability insurance policy issued
143 pursuant to this subsection unless the director is informed in writing by a certified letter at
144 least 30 days prior to the proposed cancellation. If the trauma scene waste management
145 practitioner or insurance carrier cancels the liability insurance policy and the trauma scene
146 waste management practitioner fails to submit, within ten days of the effective date of the
147 cancellation, a new liability insurance policy that meets the requirements of this subsection,
148 the director shall revoke such trauma scene waste management practitioner's registration.

149 (d) Each trauma scene waste management practitioner shall be responsible and liable for
150 the acts of his or her employees and independent contractors of such trauma scene waste
151 management practitioner in the performance of trauma scene waste management services.

152 35-11-5.

153 (a) As used in this Code section, the term 'person' means: an individual; any corporate
154 entity or form authorized by law, including any of its subsidiaries or affiliates; or any
155 officer, director, board member, or employee of any corporate entity or form authorized by
156 law.

157 (b) No person shall perform, offer to perform, or engage in the cleanup of a trauma scene
158 or the removal or remediation of regulated biomedical waste from any location unless such
159 person is registered in accordance with this chapter or is an employee or independent
160 contractor of such person registered in accordance with this chapter.

161 (c) Any individual who violates this Code section shall be subject to a civil fine not to
162 exceed \$5,000.00 and punitive action by the director, up to and including revocation of
163 registration.

164 35-11-6.

165 On and after January 1, 2019, it shall be against public policy for any person who is not
166 properly registered under this chapter to seek to recover from the owner of any property
167 or any other person the cost of the cleanup, removal, or remediation of trauma scene waste
168 at, in, or on such property.

169 35-11-7.

170 Each trauma scene waste management practitioner registered under this chapter, prior to
171 beginning the cleanup, removal, or remediation of trauma scene waste, shall provide the
172 individual who requested such services with a good faith estimate of the expected costs of
173 such services.

174 35-11-8.

175 In the event of a declared public health emergency or a state of emergency, the director
176 shall be authorized to issue temporary registrations to persons to be trauma scene waste
177 management practitioners under such limiting conditions as the director deems appropriate
178 under such circumstances. Such temporary registrations shall terminate at such time as
179 may be specified by the director, but, in any event, not later than 90 days from their
180 issuance.

181 35-11-9.

182 The board shall be authorized to promulgate such rules and regulations as it deems
183 necessary in order to effectuate and implement the provisions of this chapter.

184 35-11-10.

185 (a) As used in this Code section, the term 'person' shall have the same meaning as provided
186 in Code Section 35-11-5,203.0.

187 (b) Nothing in this chapter shall apply to a medical practice or medical facility or a
188 subsidiary thereof that is subject to the laws and regulations of the federal Occupational
189 Safety and Health Administration.

190 (c) Nothing in this chapter shall apply to the cleanup of property owned by a person by
191 such person.

192 (d) Nothing in this chapter shall apply to the gratuitous cleanup, removal, or remediation
 193 of trauma scene waste performed for the owner of any property by individuals who are not
 194 doing so as part of a commercial enterprise for the cleanup or removal of trauma scene
 195 waste, including, but not limited to, individuals who are family, friends, or neighbors of
 196 such owner; provided, however, that nothing in this subsection shall prevent such owner
 197 from offering such individuals a gratuity at his or her election."

198 **PART II**

199 **SECTION 2-1.**

200 Parts 2 through 18 of this Act shall be known and may be cited as the "Consolidation of Fire
 201 Safety Services in Georgia Act."

202 **SECTION 2-2.**

203 It is the intent of the General Assembly, by Parts 2 through 18 of this Act, to provide for
 204 more efficient fire safety services for the citizens of Georgia by consolidating such services
 205 into a single department and thereby provide greater quality services at a reduced cost.

206 **PART III**

207 **SECTION 3-1.**

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

211 **"CHAPTER 2**

212 **25-2-1.**

213 As used in this chapter, the term:

214 (1) 'Board' means the Board of Fire Safety.

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

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

217 **25-2-2.**

218 ~~The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall~~
 219 ~~be the Safety Fire Commissioner.~~

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

224 (b)(1) There is created the position of commissioner of fire safety. The commissioner
 225 shall be the chief administrative officer of the department and shall be appointed by the
 226 board and serve at the pleasure of the board. Any person appointed to serve as
 227 commissioner shall have a minimum of ten years' experience as a fire safety professional.

228 (2) When the commissioner shall adopt rules and regulations for the performance of his
 229 or her duties by law, such rules and regulations shall be subject to the approval of the
 230 board.

231 25-2-2.1.

232 (a) There is created the Board of Fire Safety which shall establish the general policy to be
 233 followed by the department. The Board of Fire Safety shall be composed of 11 members,
 234 who shall serve until their successors are appointed and qualified and who shall be
 235 appointed as follows:

236 (1) Four members who are fire safety professionals shall be appointed by the Governor;

237 (2) Two members who are fire safety professionals shall be appointed by the Speaker of
 238 the House of Representatives;

239 (3) Two members who are fire safety professionals shall be appointed by the Lieutenant
 240 Governor;

241 (4) One member shall be the administrator of the Georgia Public Safety Training Center
 242 or his or her designee;

243 (5) One member shall be the president of the Georgia Association of Fire Chiefs or his
 244 or her designee; and

245 (6) One member shall be the president of the Georgia State Firefighters' Association or
 246 his or her designee.

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

251 (c) In addition to the general authority provided for in subsection (a) of this Code section,
 252 the Board of Fire Safety:

253 (1) Shall appoint the commissioner;

254 (2) Shall promulgate and approve rules and regulations for the department;

255 (3) Shall advise the commissioner on fire service issues; and

256 (4) May appoint advisory councils as it deems necessary.

257 (d) Each member of the Board of Fire Safety, in carrying out his or her official duties,
 258 shall be entitled to receive the same expense and mileage allowance authorized for
 259 members of professional licensing boards pursuant to subsection (f) of Code Section
 260 43-1-2. The funds for such expenses and allowances shall be paid from funds appropriated
 261 or available to the department.

262 25-2-3.

263 Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner is charged
 264 with the duties and chief responsibility for the enforcement of this chapter. He or she may,
 265 consistent with this chapter, delegate to the officers and employees appointed under this
 266 chapter such duties and powers as in his or her discretion he or she shall deem necessary
 267 or advisable for the proper enforcement of this chapter and shall have full supervision and
 268 control over such officers and employees in the performance of their duties or in the
 269 exercise of any powers granted to such officers and employees by him or her or by this
 270 chapter. Except as provided in Code Section 25-2-12, the ~~Commissioner~~ commissioner
 271 shall be the final authority in all matters relating to the interpretation and enforcement of
 272 this chapter, except insofar as his or her orders may be reversed or modified by the courts.

273 25-2-4.

274 The ~~Commissioner~~ commissioner shall adopt such rules and regulations as he or she deems
 275 necessary to promote the enforcement of this chapter. Such rules and regulations shall
 276 have the force and effect of law and shall have state-wide application as being the state
 277 minimum fire safety standards and shall not require adoption by a municipality or county.
 278 The governing authority of any municipality or county in this state is authorized to enforce
 279 the state minimum fire safety standards on all buildings and structures except one-family
 280 and two-family dwellings and those buildings and structures listed in Code Section
 281 25-2-13. All other applications of the state minimum fire safety standards and fees are
 282 specified in Code Sections 25-2-4.1, 25-2-12, and 25-2-12.1. Before the ~~Commissioner~~
 283 commissioner shall adopt as a part of his or her rules and regulations for the enforcement
 284 of this chapter any of the principles of the various codes referred to in this chapter, he or
 285 she shall first consider and approve them as reasonably suitable for the enforcement of this
 286 chapter. Not less than 15 days before any rules and regulations are promulgated, a public
 287 hearing shall be held. Notice of the hearing shall be advertised in a newspaper of general
 288 circulation.

289 25-2-4.1.

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

293	(1) New anhydrous ammonia permit for storage in bulk (more than	
294	2,000 gallons aggregate capacity) for sale or distribution one-time	
295	fee	\$ 150.00
296	(2) Annual license for manufacture of explosives other than	
297	fireworks	150.00
298	(3) Annual license for manufacture, storage, or transport of	
299	fireworks	1,500.00
300	(4) Carnival license	150.00
301	(5) Certificate of occupancy	100.00
302	(6) Construction plan review:	
303	(A) Bulk storage construction	150.00
304	(B) Building construction, 10,000 square feet or less	150.00
305	(C) Building construction, more than 10,000 square feet015 per square foot
306	(D) Other construction	150.00
307	(7) Fire sprinkler contractor certificate of competency	150.00
308	(8) Liquefied petroleum gas storage license:	
309	(A) 2,000 gallons or less	150.00
310	(B) More than 2,000 gallons	600.00
311	(9) Building construction inspection:	
312	(A) 80 percent completion, 100 percent completion, annual, and	
313	first follow-up	none
314	(B) Second follow-up	150.00
315	(C) Third and each subsequent follow-up	220.00
316	(10) Purchase, storage, sale, transport, or use of explosives other	
317	than fireworks:	
318	(A) 500 pounds or less	75.00
319	(B) More than 500 pounds	150.00
320	(11) New self-service gasoline station permit one-time fee	150.00
321	(12) New permit to dispense compressed natural gas (CNG) for	
322	vehicular fuel one-time fee	150.00

323 (b) The licenses and permits for which fees or charges are required pursuant to this Code
 324 section shall not be transferable. A new license or permit and fee are required upon change
 325 of ownership.

326 25-2-4.2.

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

334 25-2-5.

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

339 25-2-6.

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

342 25-2-7.

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

349 25-2-8.

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

354 25-2-9.

355 (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the
 356 district attorney of the judicial circuit, or a local fire official, the state fire marshal and any
 357 employees of such official shall have the authority to investigate the cause and origin of
 358 any fire which occurred in said county, jurisdiction, or judicial circuit.

359 (b) Personnel employed and authorized by the state fire marshal shall have the power to
 360 make arrests for criminal violations established as a result of investigations. Such
 361 personnel must hold certification as a peace officer from the Georgia Peace Officer
 362 Standards and Training Council and shall have the power to execute arrest warrants and
 363 search warrants for criminal violations and to arrest, upon probable cause and without
 364 warrant, any person found violating any of the provisions of applicable criminal laws.
 365 Authorized personnel empowered to make arrests pursuant to this Code section shall be
 366 empowered to carry firearms as authorized by the state fire marshal in the performance of
 367 their duties. It shall be unlawful for any person to resist an arrest authorized by this Code
 368 section or to interfere in any manner, including abetting or assisting such resistance or
 369 interference, with personnel employed by the state fire marshal in the duties imposed upon
 370 such personnel by law.

371 25-2-10.

372 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or
 373 decision of the state fire marshal, the right is granted to appeal within ten days to the
 374 ~~Commissioner~~ commissioner. If the person, firm, corporation, or public entity is
 375 dissatisfied with the decision of the ~~Commissioner~~ commissioner, appeal is authorized to
 376 the superior court within 30 days in the manner provided under Chapter 13 of Title 50, the
 377 'Georgia Administrative Procedure Act.' In the event of such appeal, the person, firm,
 378 corporation, or public entity shall give a surety bond which will be conditioned upon
 379 compliance with the order and direction of the state fire marshal or the ~~Commissioner~~
 380 commissioner or both. The amount of bond shall be fixed by the ~~Commissioner~~
 381 commissioner in such amount as will reasonably cover the order issued by the
 382 ~~Commissioner~~ commissioner or the state fire marshal or both.

383 25-2-11.

384 Reserved.

385 25-2-12.

386 (a)(1) The county governing authority in any county having a population of 100,000 or
 387 more, and the municipal governing authority in any municipality having a population of

388 45,000 or more, each as determined by the most recent decennial census published by the
389 United States Bureau of the Census, and those municipalities pursuant to subsection (b)
390 of this Code section shall adopt the state minimum fire safety standards adopted in the
391 rules and regulations promulgated pursuant to this chapter, including all subsequent
392 revisions thereof.

393 (2) With respect to those buildings and structures listed in Code Section 25-2-13, except
394 for hospitals, nursing homes, assisted living facilities or communities, jails, ambulatory
395 health care centers, and penal institutions and except for buildings and structures which
396 are owned, ~~and operated,~~ or occupied by the state, every such local governing authority
397 shall be responsible for enforcing such fire safety standards within its jurisdiction and
398 shall:

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

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

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

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

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

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

421 (6) Every such local governing authority shall be responsible for investigating all cases
422 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties
423 and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out
424 such responsibility, and shall submit quarterly reports to the state fire marshal containing

425 fire-loss data regarding all fires within its jurisdiction. The state fire marshal shall have
426 the authority to initiate any arson investigation upon request of any such local governing
427 authority, and he or she shall provide assistance to the requesting authority regarding any
428 of the duties and responsibilities required by this paragraph.

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

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

441 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in
442 jurisdictions other than those jurisdictions covered under subsection (a) of this Code
443 section, and with respect to every such hospital, nursing home, assisted living facility or
444 community, jail, ambulatory health care center, and penal institution and every such
445 building and structure owned and operated or occupied by the state, wherever located, the
446 ~~office of the Commissioner~~ department shall perform those duties specified in paragraph
447 (2) of subsection (a) of this Code section and shall perform all other duties required by this
448 chapter.

449 (d) Except as specifically stated in this Code section, nothing in this Code section shall
450 reduce or avoid the duties and responsibilities of the ~~office of the Commissioner~~
451 department or the state fire marshal imposed by other Code sections of this chapter, other
452 provisions of this Code, or any existing contract or agreement and all renewals thereof
453 between the ~~office of the Commissioner~~ department or the state fire marshal and any other
454 state or federal government agency. Nothing in this Code section shall prohibit the ~~office~~
455 ~~of the Commissioner~~ department, state fire marshal, or any local governing authority from
456 entering into any future contract or agreement regarding any of the duties imposed under
457 this Code section.

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

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

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

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

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

479 25-2-12.1.

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

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

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

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

493 (b) Upon application submitted by any governing authority or administrative authority
 494 described in subsection (a) of this Code section, the state fire marshal, subject to the
 495 approval of the ~~Commissioner~~ commissioner and in accordance with this Code section,
 496 shall have the authority to deputize local fire marshals, deputy local fire marshals, or state

497 inspectors, as appropriate, as state officers. The application shall be verified by an
 498 appropriate official and shall contain the name, address, and current place of employment
 499 for each applicant seeking to be deputized and the dates and places of past employment,
 500 educational background, training experience, any area of specialization and the basis
 501 therefor, and such other information as may be required by the state fire marshal.

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

506 (A) Fire safety inspections;

507 (B) Review of plans and specifications; or

508 (C) Arson investigations.

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

512 (d) It shall be the responsibility of the governing authority to notify the state fire marshal
 513 when a local fire marshal is no longer employed by or accountable to such governing
 514 authority. It shall be the responsibility of the local fire marshal to ensure that his or her
 515 deputy local fire marshals perform their appointed duties and to notify the state fire marshal
 516 when a deputy local fire marshal is no longer employed under his or her authority. It shall
 517 be the responsibility of the administrative authority to ensure that state inspectors perform
 518 their appointed duties and to notify the state fire marshal when a state inspector is no longer
 519 employed by such administrative authority.

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

526 25-2-13.

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

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

533 (2) 'Historic building or structure' means any individual building or any building which
 534 contributes to the historic character of a historic district, so designated by the state
 535 historic preservation officer pursuant to rules and regulations adopted by the Board of
 536 Natural Resources, or as so designated pursuant to the provisions of Article 2 of Chapter
 537 10 of Title 44, the 'Georgia Historic Preservation Act.'

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

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

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

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

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

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

562 (E) Hospitals, health care centers or facilities, mental health institutions, orphanages,
 563 nursing homes, convalescent homes, old age homes, assisted living facilities or
 564 communities, jails, prisons, reformatories, and all administrative, public assembly, and
 565 academic buildings of colleges, universities, and vocational-technical schools. As used
 566 in this subparagraph, the terms 'nursing homes,' 'convalescent homes,' and 'old age
 567 homes' mean any building used for the lodging, personal care, or nursing care on a 24
 568 hour basis of four or more invalids, convalescents, or elderly persons who are not
 569 members of the same family;

- 570 (F) Racetracks, stadiums, and grandstands;
- 571 (G) Theaters, auditoriums, restaurants, bars, lounges, nightclubs, dance halls,
572 recreation halls, and other places of public assembly having an occupant load of 300
573 or more persons, except that the occupant load shall be 100 or more persons in those
574 buildings where alcoholic beverages are served;
- 575 (G.1) Churches having an occupant load of 500 or more persons in a common area or
576 having an occupant load greater than 1,000 persons based on total occupant load of the
577 building or structure;
- 578 (H) Department stores and retail mercantile establishments having a gross floor area
579 of 25,000 square feet on any one floor or having three or more floors that are open to
580 the public. For purposes of this subparagraph, shopping centers and malls shall be
581 assessed upon the basis of the entire area covered by the same roof or sharing common
582 walls; provided, however, that nothing in this Code section shall apply to single-story
583 malls or shopping centers subdivided into areas of less than 25,000 square feet by a
584 wall or walls with a two-hour fire resistance rating and where there are unobstructed
585 exit doors in the front and rear of every such individual occupancy which open directly
586 to the outside;
- 587 (I) Child care learning centers, as such term is defined in Code Section 20-1A-2. Fire
588 safety standards adopted by rules of the ~~Commissioner~~ commissioner pursuant to Code
589 Section 25-2-4 which are applicable to child care learning centers shall not require
590 staff-to-child ratios; and
- 591 (J) Personal care homes ~~and assisted living communities~~ required to be licensed as
592 such by the Department of Community Health and having at least seven beds for
593 nonfamily adults, and the ~~Commissioner~~ commissioner shall, pursuant to Code Section
594 25-2-4, by rule adopt state minimum fire safety standards for those homes, and any
595 structure constructed as or converted to a personal care home on or after April 15, 1986,
596 shall be deemed to be a proposed building pursuant to subsection (d) of Code Section
597 25-2-14 and that structure may be required to be furnished with a sprinkler system
598 meeting the standards established by the ~~Commissioner~~ commissioner if he or she
599 deems this necessary for proper fire safety.
- 600 (2) Any building or structure which is used exclusively for agricultural purposes and
601 which is located in an unincorporated area shall be exempt from the classification set
602 forth in paragraph (1) of this subsection.
- 603 (3)(A) The provisions of this paragraph relating to landmark museum buildings shall
604 apply only to those portions of such buildings which meet all the requirements of a
605 landmark museum building, except as otherwise provided in subparagraphs (B) and (C)
606 of this paragraph. Subparagraphs (B) and (C) of this paragraph shall, unless otherwise

607 provided in such subparagraphs, preempt all state laws, regulations, or rules governing
 608 reconstruction, alteration, repair, or maintenance of landmark museum buildings. Local
 609 governing authorities may recognize the designation of landmark museum buildings by
 610 ordinance and authorize the local enforcement authority to incorporate the provisions
 611 of subparagraphs (B) and (C) of this paragraph into their local building and fire codes.
 612 Subparagraphs (D) and (E) of this paragraph shall apply to other historic buildings or
 613 structures.

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

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

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

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

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

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

631 (ii) All landmark museum buildings which contain residential units shall have
 632 electrically powered smoke or products of combustion ~~detectors~~ alarms installed
 633 within each living unit between living and sleeping areas. Such ~~detectors~~ alarms shall
 634 be continuously powered by the building's electrical system. When activated, the
 635 ~~detector alarm~~ shall initiate ~~an alarm~~ a warning sound which is audible in sleeping
 636 rooms of that living unit. These unit ~~detectors~~ alarms shall be required in addition to
 637 any other protective system that may be installed in the building;

638 (iii) For all landmark museum buildings, except those protected by a total automatic
 639 fire suppression system and one and two family dwellings, approved automatic fire
 640 warning protection shall be provided as follows: install at least one listed smoke or
 641 products of combustion detector for every 1,200 square feet of floor area per floor or
 642 story. In addition, all lobbies, common corridors, hallways, and ways of exit access
 643 shall be provided with listed smoke or products of combustion detectors not more

644 than 30 feet apart. Detectors shall be so connected as to sound an alarm audible
645 throughout the structure or building. With respect to buildings which are totally
646 protected by an automatic fire suppression system, activation of the sprinkler system
647 shall sound an alarm throughout the structure or building;

648 (iv) Smoke or products of combustion detectors or, where otherwise specified, smoke
649 alarms shall be listed by a nationally recognized testing laboratory;

650 (v) All multistory landmark museum buildings, except one and two family dwellings,
651 with occupancy above or below the street or grade level shall have manual fire alarm
652 pull stations in the natural path of egress. The activation of a manual pull station shall
653 cause the building fire warning system to sound;

654 (vi) Approved exit signs shall be located where designated by the local or state
655 authority having jurisdiction in accordance with the applicable state or local code,
656 standard, rule, or regulation;

657 (vii) Except for one and two family dwellings, every landmark museum building
658 occupied after daylight, or which has occupied areas subject to being totally darkened
659 during daylight hours due to a power failure or failure of the electrical system, shall
660 be equipped with approved emergency lighting meeting the provisions of the
661 applicable state or local code, standard, rule, or regulation;

662 (viii) Occupant loading of landmark museum buildings or structures shall be limited
663 by either the actual structural floor load capacity or by the limitations of means of
664 egress or by a combination of factors. Actual floor load capacity shall be determined
665 by a Georgia registered professional engineer. Said floor load shall be posted at a
666 conspicuous location. The building owner shall submit evidence of this certification
667 and related computations to the enforcement authority having jurisdiction, upon
668 request. Where one or more floors of a landmark museum building have only one
669 means of egress, the occupant load shall be computed and occupancy limited as
670 determined by the state or local fire marshal; and

671 (ix) The electrical, heating, and mechanical systems of landmark museum buildings
672 shall be inspected and any conditions that create a threat of fire or a threat to life shall
673 be corrected in accordance with applicable standards to the extent deemed necessary
674 by the state or local authority having jurisdiction.

675 (D) Historic buildings not classified as landmark museum buildings shall meet the
676 requirements of applicable state or local building and fire safety laws, ordinances,
677 codes, standards, rules, or regulations as they pertain to existing buildings. If a historic
678 building or structure is damaged from fire or other casualty, it may be restored to the
679 condition prior to the fire or casualty using techniques and methods consistent with its
680 original construction, or it shall meet the requirements for new construction of the

681 applicable state or local codes, standards, rules, or regulations, provided that these
682 requirements do not significantly compromise the features for which the building was
683 considered historically significant.

684 (E) As to any buildings or structures in the State of Georgia which meet the criteria of
685 paragraph (1) of subsection (b) of this Code section and thus fall under the jurisdiction
686 of the ~~Safety Fire Commissioner~~ commissioner and which also have been designated
687 as historically significant by the state historic preservation officer, the appropriate
688 enforcement official, in granting or denying a variance pursuant to subsection (e) of
689 Code Section 25-2-12, shall consider the intent of this chapter, with special attention
690 to paragraph (3) of this subsection, Article 3 of Chapter 2 of Title 8, 'The Uniform Act
691 for the Application of Building and Fire Related Codes to Existing Buildings,' Article
692 2 of Chapter 10 of Title 44, the 'Georgia Historic Preservation Act,' and the Secretary
693 of Interior's Standards for Preservation Projects.

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

699 (c) Every person who owns or controls the use of any building, part of a building, or
700 structure described in paragraph (1) of subsection (b) of this Code section, which, because
701 of floor area, height, location, use or intended use as a gathering place for large groups, or
702 use or intended use by or for the aged, the ill, the incompetent, or the imprisoned,
703 constitutes a special hazard to property or to the life and safety of persons on account of
704 fire or panic from fear of fire, must so construct, equip, maintain, and use such building or
705 structure as to afford every reasonable and practical precaution and protection against
706 injury from such hazards. No person who owns or controls the use or occupancy of such
707 a building or structure shall permit the use of the premises so controlled for any such
708 specially hazardous use unless he or she has provided such precautions against damage to
709 property or injury to persons by these hazards as are found and determined by the
710 ~~Commissioner~~ commissioner in the manner described in subsection (d) of this Code section
711 to be reasonable and practical.

712 (d) The ~~Commissioner~~ commissioner is directed to investigate and examine construction
713 and engineering techniques; properties of construction materials, fixtures, facilities, and
714 appliances used in, upon, or in connection with buildings and structures; and fire
715 prevention and protective techniques, including, but not limited to, the codes and standards
716 adopted, recommended, or issued from time to time by the National Fire Protection
717 Association (National Fire Code and National Electric Code), the American Insurance

718 Association (National Building Code), the successor to the National Board of Fire
 719 Underwriters, the American Standards Association, and the ~~Standard Building Code~~
 720 ~~Congress (Southern Standard Building Code)~~ International Code Council (the International
 721 Building Code, the International Fire Code, the International Mechanical Code, and the
 722 International Fuel Gas Code). Based upon such investigation, the ~~Commissioner~~
 723 commissioner is authorized to determine and by rule to provide what reasonable and
 724 practical protection must be afforded property and persons with respect to: exits; fire walls
 725 and internal partitions adequate to resist fire and to retard the spread of fire, smoke, heat,
 726 and gases; electrical wiring, electrical appliances, and electrical installations; safety and
 727 protective devices, including, but not limited to, fire escapes, fire prevention equipment,
 728 sprinkler systems, fire extinguishers, panic hardware, fire alarm and detection systems, exit
 729 lights, emergency auxiliary lights, and other similar safety devices; flameproofing; motion
 730 picture equipment and projection booths; and similar facilities; provided, however, that any
 731 building described in subparagraph (b)(1)(C) of this Code section shall be required to have
 732 a smoke or products of combustion detector or, where otherwise specified, smoke alarm
 733 listed by a nationally recognized testing laboratory; and, regardless of the manufacturer's
 734 instructions, such detectors in these buildings shall be located in all interior corridors, halls,
 735 and basements no more than 30 feet apart or more than 15 feet from any wall; where there
 736 are no interior halls or corridors, the ~~detectors~~ single station smoke alarms shall be installed
 737 in each sleeping room. All detection systems permitted after April 1, 1992, shall be
 738 powered from the building's electrical system and all detection systems required by this
 739 chapter, permitted after April 1, 1992, shall have a one and one-half hour emergency power
 740 supply source. Required corridor smoke detector systems shall be electrically
 741 interconnected to the fire alarm, if a fire alarm is required. If a fire alarm is not required,
 742 the detectors at a minimum shall be approved single station ~~detectors~~ smoke alarms
 743 powered from the building electrical service interconnected to each other.

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

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

752 (g) Notwithstanding any other provision of law or any local ordinance to the contrary, in
 753 the event of a conflict between any code or standard of the National Fire Protection
 754 Association (National Fire Code and National Electric Code) and of the ~~Standard Building~~

755 ~~Code Congress (Southern Standard Building Code)~~ International Code Council (the
 756 International Building Code, the International Fire Code, the International Mechanical
 757 Code, and the International Fuel Gas Code), the code or standard of the National Fire
 758 Protection Association (National Fire Code and National Electric Code) shall prevail. The
 759 order of precedence established by this subsection shall apply to all buildings and structures
 760 whether or not such buildings and structures are covered under this Code section.

761 25-2-14.

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

772 (2)(A) If the state fire marshal, the proper local fire marshal, state inspector, or
 773 designated code official cannot provide plan review within 30 business days of
 774 receiving a written application for permitting in accordance with the code official's plan
 775 submittal process, then, in lieu of plan review by personnel employed by such
 776 governing authority, any person, firm, or corporation engaged in a construction project
 777 which requires plan review, regardless if the plan review is required by subsection (a)
 778 of this Code section or by local county or municipal ordinance, shall have the option
 779 of retaining, at its own expense, a private professional provider to provide the required
 780 plan review. As used in this paragraph, the term 'private professional provider' means
 781 a professional engineer who holds a certificate of registration issued under Chapter 15
 782 of Title 43 or a professional architect who holds a certificate of registration issued
 783 under Chapter 4 of Title 43, who is not an employee of or otherwise affiliated with or
 784 financially interested in the person, firm, or corporation engaged in the construction
 785 project to be reviewed.

786 (B) The state fire marshal, the proper local fire marshal, state inspector, or designated
 787 code official shall advise the permit applicant at the time the complete submittal
 788 application for a permit in accordance with the code official's plan submittal process is
 789 received that the state fire marshal, the proper local fire marshal, state inspector, or
 790 designated code official intends to complete the required plan review within the time

791 prescribed by this paragraph or that the applicant may immediately secure the services
792 of a private professional provider to complete the required plan review pursuant to this
793 subsection. The plan submittal process shall include those procedures and approvals
794 required by the local jurisdiction before plan review can take place. If the state fire
795 marshal, the proper local fire marshal, state inspector, or designated code official states
796 its intent to complete the required plan review within the time prescribed by this
797 paragraph, the applicant shall not be authorized to use the services of a private
798 professional provider as provided in this subsection. The permit applicant and the state
799 fire marshal, the proper local fire marshal, state inspector, or designated code official
800 may agree by mutual consent to extend the time period prescribed by this paragraph for
801 plan review if the characteristics of the project warrant such an extension. However,
802 if the state fire marshal, the proper local fire marshal, state inspector, or designated code
803 official states its intent to complete the required plan review within the time prescribed
804 by this paragraph, or any extension thereof mutually agreed to by the applicant and the
805 state fire marshal, the proper local fire marshal, state inspector, or designated code
806 official and does not permit the applicant to use the services of a private professional
807 provider and the state fire marshal, the proper local fire marshal, state inspector, or
808 designated code official fails to complete such plan review in the time prescribed by
809 this paragraph, or any extension thereof mutually agreed to by the applicant and the
810 state fire marshal, the proper local fire marshal, state inspector, or designated code
811 official, the state fire marshal, the proper local fire marshal, state inspector, or
812 designated code official shall issue the applicant a project initiation permit to allow the
813 applicant to begin work on the project, provided that portion of the initial phase of work
814 is compliant with applicable codes, laws, and rules. If a full permit is not issued for the
815 portion requested for permitting, then the state fire marshal, the proper local fire
816 marshal, state inspector, or designated code official shall have an additional 20 business
817 days to complete the review and issue the full permit. If the plans submitted for
818 permitting are denied for any deficiency, the time frames and process for resubmittal
819 shall be governed by divisions (2)(H)(iii) through (2)(H)(v) of this subsection.

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

825 (D) The person, firm, or corporation retaining a private professional provider to
826 conduct a plan review shall be required to pay to the state fire marshal, the proper local
827 fire marshal, state inspector, or designated code official which requires the plan review

828 the same regulatory fees and charges which would have been required had the plan
829 review been conducted by the state fire marshal, the proper local fire marshal, state
830 inspector, or designated code official.

831 (E) A private professional provider performing plan reviews under this subsection shall
832 review construction plans to determine compliance with the state's minimum fire safety
833 standards in effect which were adopted pursuant to this chapter and, where applicable,
834 the state's minimum accessibility standards adopted pursuant to Chapter 3 of Title 30.
835 Upon determining that the plans reviewed comply with the applicable codes and
836 standards as adopted, such private professional provider shall prepare an affidavit or
837 affidavits on a form prescribed by the ~~Safety Fire Commissioner~~ commissioner
838 certifying under oath that the following is true and correct to the best of such private
839 professional provider's knowledge and belief and in accordance with the applicable
840 professional standard of care:

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

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

848 (F) All private professional providers providing plan review services pursuant to this
849 subsection shall secure and maintain insurance coverage for professional liability
850 (errors and omissions) insurance. The limits of such insurance shall be not less than \$1
851 million per claim and \$1 million in aggregate coverage. Such insurance may be a
852 practice policy or project-specific coverage. If the insurance is a practice policy, it shall
853 contain prior acts coverage for the private professional provider. If the insurance is
854 project-specific, it shall continue in effect for two years following the issuance of the
855 certificate of final completion for the project. The state fire marshal, the proper local
856 fire marshal, state inspector, or designated code official may establish, for private
857 professional providers working within their respective jurisdictions specified by this
858 chapter, a system of registration listing the private professional providers within their
859 areas of competency and verifying compliance with the insurance requirements of this
860 subsection.

861 (G) The private professional provider shall be empowered to perform any plan review
862 required by the state fire marshal, the proper local fire marshal, state inspector, or
863 designated code official, regardless if the plan review is required by this subsection or
864 by local county or municipal ordinance, provided that the plan review is within the

865 scope of such private professional provider's area of expertise and competency. This
866 subsection shall not apply to hospitals, assisted living facilities or communities,
867 ambulatory health care centers, nursing homes, jails, penal institutions, airports,
868 buildings or structures that impact national or state homeland security, or any building
869 defined as a high-rise building in the State Minimum Standards Code, provided that
870 interior tenant build-out projects within high-rise buildings are not exempt from this
871 subsection, or plans related to Code Section 25-2-16 or 25-2-17 or Chapter 8, 9, or 10
872 of this title.

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

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

879 (II) The applicable fees required for permitting;

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

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

886 (ii) No more than 30 business days after receipt of a permit application and the
887 private professional provider's plan review report required pursuant to this subsection,
888 the state fire marshal, the proper local fire marshal, state inspector, or designated code
889 official shall issue the requested permit or provide written notice to the permit
890 applicant identifying the specific plan features that do not comply with the applicable
891 codes or standards, as well as the specific reference to the relevant requirements. If
892 the state fire marshal, the proper local fire marshal, state inspector, or designated code
893 official does not provide a written notice of the plan deficiencies within the prescribed
894 30 day period, the permit application shall be deemed approved as a matter of law and
895 the permit shall be issued by the state fire marshal, the proper local fire marshal, state
896 inspector, or designated code official on the next business day.

897 (iii) If the state fire marshal, the proper local fire marshal, state inspector, or
898 designated code official provides a written notice of plan deficiencies to the permit
899 applicant within the prescribed 30 day period, the 30 day period shall be tolled
900 pending resolution of the matter. To resolve the plan deficiencies, the permit
901 applicant may elect to dispute the deficiencies pursuant to this chapter, the

902 promulgated rules and regulations adopted thereunder, or, where appropriate for
903 existing buildings, the local governing authority's appeals process or the permit
904 applicant may submit revisions to correct the deficiencies.

905 (iv) If the permit applicant submits revisions, the state fire marshal, the proper local
906 fire marshal, state inspector, or designated code official shall have the remainder of
907 the tolled 30 day period plus an additional five business days to issue the requested
908 permit or to provide a second written notice to the permit applicant stating which of
909 the previously identified plan features remain in noncompliance with the applicable
910 codes or standards, with specific reference to the relevant requirements. If the state
911 fire marshal, the proper local fire marshal, state inspector, or designated code official
912 does not provide the second written notice within the prescribed time period, the
913 permit shall be issued by the state fire marshal, the proper local fire marshal, state
914 inspector, or designated code official on the next business day.

915 (v) If the state fire marshal, the proper local fire marshal, state inspector, or
916 designated code official provides a second written notice of plan deficiencies to the
917 permit applicant within the prescribed time period, the permit applicant may elect to
918 dispute the deficiencies pursuant to this chapter, the rules and regulations promulgated
919 thereunder, or, where applicable for existing buildings, the local governing authority's
920 appeals process or the permit applicant may submit additional revisions to correct the
921 deficiencies. For all revisions submitted after the first revision, the state fire marshal,
922 the proper local fire marshal, state inspector, or designated code official shall have an
923 additional five business days to issue the requested permit or to provide a written
924 notice to the permit applicant stating which of the previously identified plan features
925 remain in noncompliance with the applicable codes or standards, with specific
926 reference to the relevant requirements.

927 (I) The state fire marshal may provide for the prequalification of private professional
928 providers who may perform plan reviews pursuant to this subsection by rule or
929 regulation authorized in Code Section 25-2-4. In addition, any local fire marshal, state
930 inspector, or designated code official may provide for the prequalification of private
931 professional providers who may perform plan reviews pursuant to this subsection;
932 however, no additional local ordinance implementing prequalification shall become
933 effective until notice of the proper local fire marshal, state inspector, or designated code
934 official's intent to require prequalification and the specific requirements for
935 prequalification have been advertised in the newspaper in which the sheriff's
936 advertisements for that locality are published. The ordinance implementing
937 prequalification shall provide for evaluation of the qualifications of a private
938 professional provider only on the basis of the private professional provider's expertise

939 with respect to the objectives of this subsection, as demonstrated by the private
940 professional provider's experience, education, and training. Such ordinance may
941 require a private professional provider to hold additional certifications, provided that
942 such certifications are required by ordinance or state law for plan review personnel
943 currently directly employed by such local governing authority.

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

946 (K) If the state fire marshal, the proper local fire marshal, state inspector, or designated
947 code official determines that the building construction or plans do not comply with the
948 applicable codes or standards, the state fire marshal, the proper local fire marshal, state
949 inspector, or designated code official may deny the permit or request for a certificate
950 of occupancy or certificate of completion, as appropriate, or may issue a stop-work
951 order for the project or any portion thereof as provided by law or rule or regulation,
952 after giving notice and opportunity to remedy the violation, if the state fire marshal, the
953 proper local fire marshal, state inspector, or designated code official determines that
954 noncompliance exists with state laws, adopted codes or standards, or local ordinances,
955 provided that:

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

961 (ii) If the state fire marshal, the proper local fire marshal, state inspector, or
962 designated code official and the private professional provider are unable to resolve the
963 dispute, the matter shall be referred to the local enforcement agency's board of
964 appeals, except as provided in Code Section 25-2-12 and appeals for those proposed
965 buildings classified under paragraph (1) of subsection (b) of Code Section 25-2-13 or
966 any existing building under the specific jurisdiction of the state fire marshal's office
967 shall be made to the state fire marshal and further appeal shall be under Code Section
968 25-2-10.

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

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

979 (N) Nothing in this subsection shall limit the authority of the state fire marshal, the
980 proper local fire marshal, state inspector, or designated code official to issue a
981 stop-work order for a building project or any portion of such project, as provided by
982 law or rule or regulation authorized pursuant to Code Section 25-2-4, after giving notice
983 and opportunity to remedy the violation, if the official determines that a condition on
984 the building site constitutes an immediate threat to public safety and welfare.

985 (O) When performing building code plan reviews related to determining compliance
986 with the Georgia State Minimum Standard Codes most recently adopted by the
987 Department of Community Affairs, the state's minimum fire safety standards adopted
988 by the safety state fire marshal, or the state's minimum accessibility standards pursuant
989 to Chapter 3 of Title 30, a private professional provider is subject to the disciplinary
990 guidelines of the applicable professional licensing board with jurisdiction over such
991 private professional provider's license or certification under Chapters 4 and 15 of
992 Title 43, as applicable. Any complaint processing, investigation, and discipline that
993 arise out of a private professional provider's performance of the adopted building, fire
994 safety, or accessibility codes or standards plan review services shall be conducted by
995 the applicable professional licensing board or as allowed by state rule or regulation.
996 Notwithstanding any disciplinary rules of the applicable professional licensing board
997 with jurisdiction over such private professional provider's license or certification under
998 Chapters 4 and 15 of Title 43, the state fire marshal, the proper local fire marshal, state
999 inspector, or designated code official enforcement personnel may decline to accept
1000 building plan reviews submitted by any private professional provider who has
1001 submitted multiple reports which required revisions due to negligence, noncompliance,
1002 or deficiencies.

1003 (b) A complete set of approved plans and specifications shall be maintained on the
1004 construction site, and construction shall proceed in compliance with the minimum fire
1005 safety standards under which such plans and specifications were approved. The owner of
1006 any such building or structure or his or her authorized representative shall notify the state
1007 fire marshal, the proper local fire marshal, or state inspector upon completion of
1008 approximately 80 percent of the construction thereof and shall apply for a certificate of
1009 occupancy when construction of such building or structure is completed.

1010 (c) Every building or structure which comes under classification in paragraph (1) of
1011 subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the

1012 ~~office of the Commissioner~~ department pursuant to Code Section 25-2-12 shall have a
1013 certificate of occupancy issued by the state fire marshal, the proper local fire marshal, or
1014 the state inspector before such building or structure may be occupied. Such certificates of
1015 occupancy shall be issued for each business establishment within the building, shall carry
1016 a charge in the amount provided in Code Section 25-2-4.1, shall state the occupant load for
1017 such business establishment or building, shall be posted in a prominent location within
1018 such business establishment or building, and shall run for the life of the building, except
1019 as provided in subsection (d) of this Code section.

1020 (d) For purposes of this chapter, any existing building or structure listed in paragraph (1)
1021 of subsection (b) of Code Section 25-2-13 and which comes under the jurisdiction of the
1022 ~~office of the Commissioner~~ department pursuant to Code Section 25-2-12 shall be deemed
1023 to be a proposed building in the event such building or structure is subject to substantial
1024 renovation, a fire or other hazard of serious consequence, or a change in the classification
1025 of occupancy. For purposes of this subsection, the term 'substantial renovation' means any
1026 construction project involving exits or internal features of such building or structure costing
1027 more than the building's or structure's assessed value according to county tax records at the
1028 time of such renovation.

1029 (e) In cases where the governing authority of a municipality which is enforcing the fire
1030 safety standards pursuant to subsection (a) of Code Section 25-2-12 contracts with the
1031 ~~office of the Commissioner~~ department for the enforcement of fire safety standards, the
1032 ~~office of the Commissioner~~ department shall not charge such municipality fees in excess
1033 of those charged in this Code section.

1034 25-2-14.1.

1035 (a) Every building and structure existing as of April 1, 1968, which building or structure
1036 is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the
1037 minimum fire safety standards adopted in the rules and regulations promulgated pursuant
1038 to this chapter which were in effect at the time such building or structure was constructed,
1039 except that any nonconformance noted under the electrical standards adopted at the time
1040 such building or structure was constructed shall be corrected in accordance with the current
1041 electrical standards adopted pursuant to this chapter. A less restrictive provision contained
1042 in any subsequently adopted minimum fire safety standard may be applied to any existing
1043 building or structure.

1044 (b) Every proposed building and structure listed in paragraph (1) of subsection (b) of Code
1045 Section 25-2-13 shall comply with the adopted minimum fire safety standards that were in
1046 effect on the date that plans and specifications therefor were received by the state fire
1047 marshal, the proper local fire marshal, or state inspector for review and approval.

1048 25-2-14.2.

1049 (a) As used in this Code section, the term 'written notification' means a typed, printed, or
 1050 handwritten notice citing the specific sections of the applicable codes or standards that have
 1051 been violated and describing specifically where and how the design or construction is
 1052 noncompliant with such codes or standards.

1053 (b) If the state fire marshal, the proper local fire marshal, state inspector, or designated
 1054 code official determines that the building construction or plans for any building or
 1055 structure, which are required under this chapter to meet the state minimum fire safety
 1056 standards, do not comply with any such applicable codes or standards, the state fire
 1057 marshal, the proper local fire marshal, state inspector, or designated code official may deny
 1058 a permit or request for a certificate of occupancy or certificate of completion, as
 1059 appropriate, or may issue a stop-work order for the project or any portion thereof as
 1060 provided by law or rule or regulation, after giving written notification and opportunity to
 1061 remedy the violation.

1062 25-2-15.

1063 In existing buildings which come under the classification in paragraph (1) of subsection (b)
 1064 of Code Section 25-2-13, when substandard conditions are found, a temporary occupancy
 1065 permit may be issued, such permit carrying a time limit adjusted to meet the amount of
 1066 time deemed necessary to make the proper corrections in order to bring the building up to
 1067 standard. All certificates of occupancy shall be issued against the building and shall not
 1068 require renewal because of change of ownership. The same set of fees for certificates of
 1069 occupancy as are applicable to proposed buildings covered in Code Section 25-2-14 shall
 1070 apply. The ~~Commissioner~~ commissioner and his or her delegated authorities shall
 1071 determine the time limit for complying with any of the standards established pursuant to
 1072 this chapter.

1073 25-2-16.

1074 (a) Some substances constitute a special hazard to property and to the life and safety of
 1075 persons because of certain characteristics and properties incident to their storage, handling,
 1076 and transportation. Substances presenting such a special hazard include gasoline, kerosene,
 1077 and other flammable liquids; liquefied petroleum gases; welding and other gases;
 1078 dry-cleaning fluids; anhydrous ammonia; and other gases, liquids, or solids of a highly
 1079 flammable or hazardous nature.

1080 (b) Every person who stores, transports, or handles any of the hazardous substances listed
 1081 in subsection (a) of this Code section shall so store, transport, and handle the substances
 1082 as to afford every precaution and protection as may be found by the ~~Commissioner~~

1083 commissioner to be reasonable and practical to avoid injury to persons from exposure, fire,
 1084 or explosion caused by the storage, transportation, or handling of these substances,
 1085 including transportation thereof only in vehicles which are in proper condition for that
 1086 purpose.

1087 (c) The ~~Commissioner~~ commissioner is directed to investigate the nature and properties
 1088 of such hazardous substances and the known precautionary and protective techniques for
 1089 their storage, transportation, and handling, including, but not limited to, the codes and
 1090 standards adopted, recommended, or issued by the National Fire Protection Association and
 1091 the Agricultural Nitrogen Institute. Based upon the investigation, the ~~Commissioner~~
 1092 commissioner is authorized to determine and by rule to provide what precautionary and
 1093 protective techniques are reasonable and practical measures for the prevention of injury to
 1094 persons and property from the storage, transportation, and handling of such highly
 1095 flammable or hazardous substances. Such authorization shall include the power to provide,
 1096 by rule, the minimum standards that a vehicle shall meet before it is considered to be in
 1097 proper condition to transport the material. No person shall transport any such material or
 1098 substance in bulk unless the vehicle in which it is transported is in the proper condition, as
 1099 provided by such rules, to transport the material with reasonable safety.

1100 (d)(1) As used in this subsection, the term:

1101 (A) 'Automatic-closing device' means a gasoline or diesel fuel pump nozzle which
 1102 contains a valve which automatically shuts off the flow of gasoline or diesel fuel
 1103 through the nozzle when the level of gasoline in a motor vehicle fuel tank reaches a
 1104 certain level.

1105 (B) 'Hold-open latch' means a device which attaches to a gasoline or diesel fuel pump
 1106 nozzle, which device mechanically holds the nozzle and valve in an open position.

1107 (C) 'Self-service station' means any place of business which sells gasoline or diesel fuel
 1108 at retail and which allows customers to dispense the fuel.

1109 (2) No self-service station shall be prohibited from installing and no customer at such
 1110 station shall be prohibited from using hold-open latches on gasoline or diesel fuel pumps
 1111 available for operation by the customer. However, if hold-open latches are used on
 1112 pumps operated by the customer, such pumps shall be equipped with a functioning
 1113 automatic-closing device.

1114 (e) Plans and specifications for all proposed bulk storage facilities which come under
 1115 classification in subsection (a) of this Code section shall be submitted to and receive
 1116 approval by the state fire marshal and the proper local fire marshal before construction is
 1117 started. All such plans and specifications submitted as required by this subsection shall be
 1118 accompanied by a \$100.00 fee for screening and shall bear the seal and Georgia registration

1119 number of the drafting architect or engineer or shall otherwise have the approval of the
1120 ~~Commissioner~~ commissioner.

1121 25-2-17.

1122 (a) As used in this Code section, the term 'explosive' or 'explosives' means any chemical
1123 compound or mechanical mixture which is commonly used or intended for the purpose of
1124 producing an explosion, which compound or mixture contains any oxidizing and
1125 combustible units or other ingredients in such proportions, quantities, or packing that an
1126 ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of
1127 the compound or mixture may cause such a sudden generation of highly heated gases that
1128 the resultant gaseous pressures are capable of producing destructive effects on contiguous
1129 objects or of destroying life or limb. Explosives constitute a special hazard to life and
1130 safety of persons because of the danger incident to their manufacture, transportation, use,
1131 sale, and storage.

1132 (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so
1133 manufacture, transport, use, sell, and store them as to afford every precaution and
1134 protection against injury to persons as the ~~Commissioner~~ commissioner may determine and
1135 by rule declare to be reasonable and practical; provided, however, that nothing contained
1136 in this Code section shall be construed to extend to storage, use, or sale of small arms
1137 ammunition.

1138 (c) The ~~Commissioner~~ commissioner is directed to investigate and examine the nature and
1139 properties of various explosives and known safety and protective techniques, including the
1140 safety standards, recommendations, and codes of the National Fire Protection Association
1141 (Explosives Ordinance, National Fire Code), and the American Insurance Association, the
1142 successor to the National Board of Fire Underwriters. Based upon the investigation, the
1143 ~~Commissioner~~ commissioner is authorized to determine and by rule to provide what
1144 reasonable and practical protection must be afforded persons with respect to the
1145 manufacture, transportation, use, sale, and storage of explosives.

1146 (d) No person shall manufacture, transport, use, sell, or store explosives without having
1147 first obtained a license therefor issued by the ~~Commissioner~~ commissioner in accordance
1148 with reasonable rules established by him. The ~~Commissioner~~ commissioner is authorized
1149 to make reasonable rules providing for the issuance of such licenses on an annual basis to
1150 those applicants who have observed and may be expected to observe safety rules lawfully
1151 made under this Code section. Graded fees for such licenses shall be as provided in Code
1152 Section 25-2-4.1. The permits for the use only of explosives may be issued by judges of
1153 the probate courts or other local elected officials whom the ~~Commissioner~~ commissioner

1154 may designate. Fees for such permits to use explosives shall be \$2.00 for each permit
1155 issued, which fee shall be retained by the issuing local official.

1156 (e) Every person licensed under this Code section who suffers a larceny or attempted
1157 larceny of primer cord, blasting agents, powders, and dynamite shall make a report thereof
1158 to local law enforcement agencies and to the state fire marshal, in accordance with rules
1159 made by the ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner is authorized
1160 to make such rules.

1161 25-2-18.

1162 All federal, state, county, or city publicly owned buildings covered by this chapter are
1163 exempt from any fee or license which may be specified in this chapter. Such fees or
1164 licenses may be waived where chargeable to churches and charitable organizations.

1165 25-2-19.

1166 The ~~Commissioner~~ commissioner shall promulgate reasonable rules and regulations
1167 governing and regulating fire hazards in hotels, apartment houses, department stores,
1168 warehouses, storage places, and places of public assembly.

1169 25-2-20.

1170 All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention
1171 regulatory license from the state fire marshal based upon compliance with this chapter, as
1172 set forth in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The
1173 fee for the license shall be \$150.00 for each calendar year or part thereof, payable to the
1174 state fire marshal, who shall pay the same into the state treasury.

1175 25-2-21.

1176 Reserved.

1177 25-2-22.

1178 (a) The ~~Commissioner~~ commissioner and the various officials delegated by him or her to
1179 carry out this chapter shall have the authority at all times of the day and night to enter in
1180 or upon and to examine any building or premises where a fire is in progress or has
1181 occurred, as well as other buildings or premises adjacent to or near the same. The
1182 ~~Commissioner~~ commissioner and his or her delegated authorities shall have the right to
1183 enter in and upon all buildings and premises subject to this chapter, at any reasonable time,
1184 for the purpose of examination or inspection.

1185 (b) Upon complaint submitted in writing, the ~~Commissioner~~ commissioner and the various
 1186 officials to whom enforcement authority is delegated under this chapter may enter in or
 1187 upon any building or premises between the hours of sunrise and sunset for the purpose of
 1188 investigating the complaint. Upon the complaint of any person, the state fire marshal or
 1189 his or her deputized officials may inspect or cause to be inspected all buildings and
 1190 premises within their jurisdiction whenever ~~he or they~~ the state fire marshal or his or her
 1191 deputized officials deem it necessary.

1192 25-2-22.1.

1193 (a) The ~~Commissioner~~ commissioner, his or her delegate, or any other person authorized
 1194 under this title to conduct inspections of property, in addition to other procedures now or
 1195 hereafter provided, may obtain an inspection warrant under the conditions specified in this
 1196 Code section. Such warrant shall authorize the ~~Commissioner~~ commissioner or his or her
 1197 delegate or such authorized person to conduct a search or inspection of property either with
 1198 or without the consent of the person whose property is to be searched or inspected if such
 1199 search or inspection is one that is elsewhere authorized under this title or the rules and
 1200 regulations duly promulgated hereunder.

1201 (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or
 1202 magistrate court upon proper oath or affirmation showing probable cause for the purpose
 1203 of conducting inspections authorized by this title or rules promulgated under this title and
 1204 for the seizure of property or the taking of samples appropriate to the inspection. For the
 1205 purposes of issuance of inspection warrants, probable cause exists upon showing a valid
 1206 public interest in the effective enforcement of this title or rules promulgated under this title
 1207 sufficient to justify inspection of the area, premise, building, or conveyance in the
 1208 circumstances specified in the application for the warrant.

1209 (c) A warrant shall be issued only upon affidavit of the ~~Commissioner~~ commissioner or
 1210 his or her designee or any person authorized to conduct inspections pursuant to this title,
 1211 sworn to before the judicial officer and establishing the grounds for issuing the warrant.
 1212 The issuing judge may issue the warrant when he or she is satisfied that the following
 1213 conditions are met:

1214 (1) The one seeking the warrant must establish under oath or affirmation that the
 1215 property to be inspected is to be inspected as a part of a legally authorized program of
 1216 inspection which includes that property or that there is probable cause for believing that
 1217 there is a condition, object, activity, or circumstance which legally justifies such an
 1218 inspection of that property; and

1219 (2) The issuing judge determines that the issuance of the warrant is authorized by this
 1220 Code section.

1221 (d) The warrant shall:

1222 (1) State the grounds for its issuance and the name of each person whose affidavit has
1223 been taken in support thereof;

1224 (2) Be directed to persons authorized by this title to conduct inspections to execute it;

1225 (3) Command the persons to whom it is directed to inspect the area, premise, building,
1226 or conveyance identified for the purpose specified and, if appropriate, direct the seizure
1227 of the property specified;

1228 (4) Identify the item or types of property to be seized, if any; and

1229 (5) Designate the judicial officer to whom it shall be returned.

1230 (e) A warrant issued pursuant to this Code section must be executed and returned within
1231 ten days of its date of issuance unless, upon a showing of a need for additional time, the
1232 court orders otherwise. If property is seized pursuant to a warrant, a copy shall be provided
1233 upon request to the person from whom or from whose premises the property is taken,
1234 together with a receipt for the property taken. The return of the warrant shall be made
1235 promptly, accompanied by a written inventory of any property taken. A copy of the
1236 inventory shall be delivered upon request to the person from whom or from whose
1237 premises the property was taken and to the applicant for the warrant.

1238 (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return
1239 and all papers returnable in connection therewith and file them with the clerk of the
1240 superior court for the county in which the inspection was made.

1241 25-2-23.

1242 When ~~any of the officers listed~~ the commissioner or his or her delegated authorities as
1243 provided for in Code Section 25-2-22 finds any building or other structure which, for want
1244 of repair or by reason of age or dilapidated condition or any other cause is especially liable
1245 to fire hazard or which is so situated as to endanger other property or the safety of the
1246 public, or when, in or around any building, ~~such officer~~ the commissioner or his or her
1247 delegated authorities finds combustible or explosive matter, inflammables, or other
1248 conditions dangerous to the safety of the building, notice may be given to the owner or
1249 agent and occupant of the building to correct such unsafe conditions as may be found.

1250 25-2-24.

1251 If any owner, agent, or occupant fails to comply with the notice prescribed in Code
1252 Section 25-2-23 within the time specified in the notice, the state fire marshal or his or her
1253 delegated officials, with the approval of the ~~Commissioner~~ commissioner, may petition the
1254 court for a rule nisi to show cause why an order should not be issued by the court that the
1255 same be removed or remedied. Such court order shall forthwith be complied with by the

1256 owner or occupant of the premises or building within such time as may be fixed in the court
1257 order.

1258 25-2-25.

1259 If any person fails to comply with the order of the court made pursuant to Code
1260 Section 25-2-24 within the time fixed, the city or county in which the building or premises
1261 in question are located shall cause the building or premises to be forthwith repaired, torn
1262 down, or demolished, the hazardous materials removed, or the dangerous conditions
1263 remedied, as the case may be, at the expense of the city or county in which the property is
1264 situated. If the owner thereof, within 30 days after notice in writing of the amount of such
1265 expense, fails, neglects, or refuses to repay the city or county the expense thereby incurred,
1266 the local authorities shall issue a fi. fa. against the owner of the property for the expense
1267 actually incurred.

1268 25-2-26.

1269 Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for
1270 ordering the carrying out and enforcement of such Code sections shall be by order of the
1271 court and not by the ~~Commissioner~~ commissioner or his or her delegated ~~authority~~
1272 authorities.

1273 25-2-27.

1274 The state fire marshal or his or her deputy, when in his or her opinion such proceedings are
1275 necessary, shall take the testimony on oath of all persons believed to be cognizant of or to
1276 have information or knowledge in relation to suspected arson and shall cause the testimony
1277 to be reduced to writing. If he or she is of the opinion that there is evidence sufficient to
1278 charge any person with the crime of arson, he or she shall cause such person to be arrested
1279 in accordance with the law. He or she shall also furnish the district attorney of the circuit
1280 in which the fire occurred with all the information obtained by him or her in his or her
1281 investigation. The district attorney shall thereupon proceed according to law.

1282 25-2-28.

1283 (a) The state fire marshal or the deputy state fire marshal shall have the power to summon
1284 and compel the attendance of witnesses before either or both of them, in any county in
1285 which the witness resides, to testify in relation to any matter which is designated by Code
1286 Section 25-2-27 as a subject of inquiry and to issue subpoenas to compel the production
1287 of all books, records, documents, and papers pertaining to such subject of inquiry. The
1288 state fire marshal and deputy state fire marshal may also administer oaths and affirmations

1289 to persons appearing as witnesses before them. Any person summoned shall have the right
1290 of counsel at the hearing if he or she desires.

1291 (b) Should any person fail to comply with this Code section, the state fire marshal or his
1292 or her agent is authorized to procure an order from the superior court of the county in
1293 which the proposed witness resides, requiring compliance under the law.

1294 25-2-29.

1295 All hearings held by or under the direction of the ~~Commissioner~~ commissioner shall be
1296 conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
1297 Procedure Act,' and the ~~Commissioner~~ commissioner may also satisfy the procedure for
1298 conduct of hearings on contested cases and rule making required under said chapter by
1299 following and complying with Chapter 2 of Title 33.

1300 25-2-30.

1301 It shall be the duty of the state fire marshal to contact individuals, associations, and state
1302 agencies, both within and outside this state, which have a direct interest in the
1303 fundamentals of fire prevention and life safety, for the purpose of promoting the objectives
1304 of this chapter.

1305 25-2-31.

1306 (a) The state fire marshal may promote any plan or program which tends to disseminate
1307 information on fire prevention and similar projects and may aid any association or group
1308 of individuals which is primarily organized along such lines.

1309 (b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire
1310 prevention education in the schools of this state and to establish fire drills therein. All local
1311 school authorities are required to cooperate with the state fire marshal in carrying out
1312 programs designed to protect the lives of school children from fire and related hazards.

1313 25-2-32.

1314 (a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire
1315 losses, together with statistical data concerning the same. The various fire insurance
1316 companies doing business in this state shall submit to the ~~Commissioner~~ commissioner,
1317 quarterly, a report stating all the losses sustained by them, together with such pertinent data
1318 as may be required by the ~~Commissioner~~ commissioner.

1319 (b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall
1320 be reported to the ~~office of Safety Fire Commissioner~~ department. Every fire ~~department~~
1321 agency provided for in Chapter 3 of this title shall submit incident data either via a uniform

1322 electronic reporting method or on a uniform reporting form prescribed by the
 1323 ~~Commissioner~~ commissioner and at intervals established by the ~~Commissioner~~
 1324 commissioner.

1325 25-2-32.1.

1326 Every case of a burn injury or wound where the victim sustained second-degree or
 1327 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory
 1328 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn
 1329 injury or wound which is likely to or may result in death, shall be reported at once to the
 1330 ~~Safety Fire Division of the office of the Commissioner of Insurance~~ Department of Fire
 1331 Safety. The ~~Safety Fire Division~~ commissioner shall accept the report and notify the
 1332 proper investigatory agency as may be appropriate. A written report shall be provided to
 1333 the ~~Safety Fire Division~~ commissioner within 72 hours. The report shall be made by the
 1334 physician attending or treating the case or by the manager, superintendent, or other person
 1335 in charge whenever such case is treated in a hospital sanitarium, institution, or other
 1336 medical facility.

1337 25-2-32.2.

1338 Every county or municipal governing authority or any two or more governing authorities
 1339 or the ~~Safety Fire Division~~ department are authorized and empowered to take such action
 1340 as may be required to formulate task forces, teams, or fire or police investigative units to
 1341 investigate any case of a burn injury or wound sustained as reported pursuant to Code
 1342 Section 25-2-32.1, to ascertain the cause of fires or explosions of suspicious origin within
 1343 the county or municipalities, to pursue necessary investigation thereof, and to assist in the
 1344 preparation and prosecution of cases stemming from any alleged criminal activity attendant
 1345 to such fires or explosions.

1346 25-2-33.

1347 (a) The state fire marshal, any deputy designated by the state fire marshal, the director of
 1348 the Georgia Bureau of Investigation or the chief of a fire department of any municipal
 1349 corporation or county where a fire department is established may request any insurance
 1350 company investigating a fire loss of real or personal property to release any information in
 1351 its possession relative to that loss. The company shall release the information to and
 1352 cooperate with any official authorized to request such information pursuant to this Code
 1353 section. The information to be released shall include, but is not limited to:

- 1354 (1) Any insurance policy relevant to the fire loss under investigation and any application
 1355 for such a policy;

1356 (2) Policy premium payment records on the policy, to the extent available;

1357 (3) Any history of previous claims made by the insured for fire loss with the reporting
1358 carrier; and

1359 (4) Material relating to the investigation of the loss, including statements of any person,
1360 proof of loss, and any other relevant evidence.

1361 (b) If an insurance company has reason to suspect that a fire loss to its insured's real or
1362 personal property was caused by incendiary means, the company shall notify the state fire
1363 marshal and furnish him or her with all relevant material acquired by the company during
1364 its investigation of the fire loss. The insurer shall also cooperate with and take such action
1365 as may be requested of it by the ~~state fire marshal's office~~ department or by any law
1366 enforcement agency of competent jurisdiction. The company shall also permit any person
1367 to inspect its records pertaining to the policy and to the loss if the person is authorized to
1368 do so by law or by an appropriate order of a superior court of competent jurisdiction.

1369 (c) In the absence of fraud or malice, no insurance company or person who furnishes
1370 information on its behalf shall be liable for damages in a civil action or subject to criminal
1371 prosecution for any oral or written statement made or any other action taken which is
1372 necessary to supply information required pursuant to this Code section.

1373 (d) The officials and departmental and agency personnel receiving any information
1374 furnished pursuant to this Code section shall hold the information in confidence until such
1375 time as its release is required pursuant to a criminal or civil proceeding, provided that
1376 nothing contained in this Code section shall be deemed to prohibit representatives of the
1377 state fire marshal's office or other authorized law enforcement officials from discussing
1378 such matters with other agency or departmental personnel or with other law enforcement
1379 officials or from releasing or disclosing any such information during the conduct of their
1380 investigation, if the release or disclosure is necessary to enable them to conduct their
1381 investigation in an orderly and efficient manner; provided, further, that nothing contained
1382 in this Code section shall prohibit an insurance company which furnishes information to
1383 an authorized agency or agencies pursuant to this Code section from having the right to
1384 request relevant information and receive, within a reasonable time not to exceed 30 days,
1385 the information requested.

1386 (e) Any official referred to in subsection (a) of this Code section may be required to testify
1387 as to any information in his or her possession regarding the fire loss of real or personal
1388 property in any civil action against an insurance company for the fire loss in which any
1389 person seeks recovery under a policy.

1390 (f)(1) No person shall purposely refuse to release any information requested pursuant to
1391 subsection (a) of this Code section.

1392 (2) No person shall purposely refuse to notify the state fire marshal of a fire loss required
1393 to be reported pursuant to subsection (b) of this Code section.

1394 (3) No person shall purposely refuse to supply the state fire marshal with pertinent
1395 information required to be furnished pursuant to subsection (b) of this Code section.

1396 (4) No person shall purposely fail to hold in confidence information required to be held
1397 in confidence by subsection (d) of this Code section.

1398 (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

1399 25-2-33.1.

1400 (a) The fire ~~department~~ agency provided for in Chapter 3 of this title of each county and
1401 municipality and any such other organized fire ~~department~~ agency operating within this
1402 state shall report every incident or suspected incident of arson to the local law enforcement
1403 agency, the state fire marshal, and every insurance company with a known pecuniary
1404 interest in the cause of the fire in which arson is involved or suspected to be involved. In
1405 any local jurisdiction where an organized fire ~~department~~ agency provided for in Chapter 3
1406 of this title is not operating, the local law enforcement agency investigating a fire shall
1407 make the reports required by this Code section. Such reports shall be made on forms
1408 provided for that purpose by the state fire marshal.

1409 (b) Any insurance company which has received a report of an incident or suspected
1410 incident of arson under subsection (a) of this Code section shall not pay any claim relating
1411 thereto prior to notifying in writing the state fire marshal and local fire department of the
1412 date the claim is to be paid.

1413 25-2-34.

1414 The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of
1415 Investigation shall cooperate with the ~~Commissioner~~ commissioner and his or her deputies
1416 and inspectors whenever called upon by him or her or them in enforcing this chapter. They
1417 shall make available to the ~~Commissioner~~ commissioner or his or her deputies and
1418 inspectors such facilities as lie detectors, broadcasting facilities, and other aid and devices
1419 as requested.

1420 25-2-35.

1421 The ~~Commissioner~~ commissioner is authorized to pay sheriffs and other peace officers
1422 reasonable fees for assistance given in assembling evidence as to the causes or criminal
1423 origin of fires and in apprehending persons guilty of arson.

1424 25-2-36.

1425 In addition to the civil monetary penalty provided for in Code Section 25-2-37, the
 1426 ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of any provision
 1427 of this chapter or any rule, regulation, or order issued by the ~~Commissioner~~ commissioner
 1428 under this chapter. In particular, but not by way of limitation upon the authority granted
 1429 in this Code section, the ~~Commissioner~~ commissioner may bring an action to enjoin any
 1430 construction found to be in contravention of Code Section 25-2-13 or 25-2-14 or to obtain
 1431 an order of court directing the immediate evacuation and the secure closure of any structure
 1432 which, by reason of violation of any provision of this chapter or of any rule, regulation, or
 1433 order issued by the ~~Commissioner~~ commissioner under this chapter, is found to pose an
 1434 immediate threat to the property, health, or lives of the occupants of the structure. In order
 1435 to avail himself or herself of the remedies provided for in this Code section, it shall not be
 1436 necessary for the ~~Commissioner~~ commissioner to allege or to prove the absence of an
 1437 adequate remedy at law.

1438 25-2-37.

1439 (a) It shall be unlawful for any person to lock an exit door whether or not it is a required
 1440 exit unless such provisions are allowed by this chapter or by any rule, regulation, or order
 1441 issued by the ~~Commissioner~~ commissioner under this chapter.

1442 (b) It shall be unlawful for any person to begin construction on any proposed building or
 1443 structure which comes under the classification in paragraph (1) of subsection (b) of Code
 1444 Section 25-2-13 and which comes under the jurisdiction of the ~~office of the Commissioner~~
 1445 ~~of Insurance~~ department pursuant to Code Section 25-2-12 without first having plans
 1446 approved in accordance with Code Section 25-2-14.

1447 (c) Any person who violates this chapter or any rule, regulation, or order issued by the
 1448 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty imposed
 1449 by the ~~Commissioner~~ commissioner in accordance with the rules and regulations
 1450 promulgated by the ~~Commissioner~~ commissioner.

1451 (d) Any person who violates this chapter or any rule, regulation, or order issued by the
 1452 ~~Commissioner~~ commissioner under this chapter shall be subject to a civil penalty not to
 1453 exceed \$1,000.00 for each day that the violation persists after such person is notified of the
 1454 ~~Commissioner's~~ commissioner's intent to impose such penalty and of the right to a hearing
 1455 with respect to same.

1456 (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to
 1457 a fine of not more than \$1,000.00 for a first offense, not less than \$1,000.00 and not more
 1458 than \$2,000.00 for a second offense, and not less than \$2,000.00 and not more than
 1459 \$5,000.00 for a third or subsequent offense.

1460 25-2-38.

1461 Any person, firm, or corporation violating this chapter or failing or refusing to comply with
1462 any regulation promulgated under this chapter shall be guilty of a misdemeanor.

1463 25-2-38.1.

1464 (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign
1465 immunity of the state, or any officer or employee thereof, in carrying out the provisions of
1466 this chapter. No action shall be maintained against the state; or any municipality; or
1467 county, or any officer, elected officer, or employees thereof, for damages sustained as a
1468 result of any fire or related hazard covered in this chapter by reason of any inspection or
1469 other action taken or not taken pursuant to this chapter.

1470 (b) Nothing in this chapter shall be construed to relieve any property owner or lessee
1471 thereof from any legal duty, obligation, or liability incident to the ownership, maintenance,
1472 or use of such property.

1473 25-2-39.

1474 It is declared that this chapter is necessary for the public safety, health, peace, and welfare,
1475 is remedial in nature, and shall be construed liberally.

1476 25-2-40.

1477 (a)(1) Except as otherwise provided in subsection (f) of this Code section, on and after
1478 July 1, 1987, every new dwelling and every new dwelling unit within an apartment,
1479 house, condominium, and townhouse and every motel, hotel, and dormitory shall be
1480 provided with an approved listed smoke ~~detector~~ alarm installed in accordance with the
1481 manufacturer's recommendations and listing.

1482 (2) On and after July 1, 1994, every dwelling and every dwelling unit within an
1483 apartment, house, condominium, and townhouse and every motel, hotel, and dormitory
1484 which was constructed prior to July 1, 1987, shall have installed an approved battery
1485 operated smoke ~~detector~~ alarm which shall be maintained in good working order unless
1486 any such building is otherwise required to have a smoke detector system pursuant to Code
1487 Section 25-2-13.

1488 (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall
1489 be provided with no less than an approved listed battery operated single station smoke
1490 ~~detector~~ alarm installed in accordance with their listing. Such ~~detectors~~ alarms shall be
1491 maintained in good working order by the operator of such nursing home. This paragraph
1492 shall not apply to nursing homes equipped with automatic sprinkler systems.

1493 (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code
 1494 section, a smoke ~~detector~~ alarm shall be mounted on the ceiling or wall at a point centrally
 1495 located in the corridor or area giving access to each group of rooms used for sleeping
 1496 purposes. Where the dwelling or dwelling unit contains more than one story, ~~detectors~~
 1497 alarms are required on each story including cellars and basements, but not including
 1498 uninhabitable attics; provided, however, that hotels and motels which are protected
 1499 throughout by an approved supervised automatic sprinkler system installed in accordance
 1500 with the rules and regulations of the ~~Commissioner~~ commissioner shall be exempt from the
 1501 requirement to install smoke ~~detectors~~ alarms in interior corridors but shall be subject to
 1502 all other applicable requirements imposed under Code Section 25-2-13.

1503 (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection
 1504 (a) of this Code section with split levels, a smoke ~~detector~~ alarm need be installed only on
 1505 the upper level, provided that the lower level is less than one full story below the upper
 1506 level, except that if there is a door between levels then a ~~detector~~ an alarm is required on
 1507 each level. Such ~~detectors~~ alarms shall be connected to a sounding device or other detector
 1508 to provide an alarm which will be audible in the sleeping areas.

1509 (d) ~~Detectors~~ Alarms shall be listed and meet the installation requirements of NFPA 72.
 1510 In addition, a one and one-half hour emergency power supply source is required on all
 1511 ~~detection~~ alarm systems required by this chapter and permitted after April 1, 1992, except
 1512 where battery operated smoke ~~detectors~~ alarms are allowed.

1513 (e) Any complete automatic fire alarm system using automatic smoke detectors shall be
 1514 installed in accordance with NFPA 72.

1515 (f)(1) The provisions of this Code section may be enforced by local building and fire
 1516 code officials in the case of residential buildings which are not covered by Code Section
 1517 25-2-13; provided, however, that this Code section shall not establish a special duty on
 1518 said officials to inspect such residential facilities for compliance with this Code section;
 1519 and provided, further, that inspections shall not be conducted for the purpose of
 1520 determining compliance with this Code section absent reasonable cause to suspect other
 1521 building or fire code violations. The jurisdiction enforcing this Code section shall retain
 1522 any fines collected pursuant to this subsection.

1523 (2) Any occupant who fails to maintain a smoke ~~detector~~ alarm in a dwelling, dwelling
 1524 unit, or other facility, other than a nursing home, listed in subsection (a) of this Code
 1525 section in good working order as required in this Code section shall be subject to a
 1526 maximum fine of \$25.00, provided that a warning shall be issued for a first violation.

1527 (3) Any operator of a nursing home who fails to install and maintain the smoke ~~detectors~~
 1528 alarms required under paragraph (3) of subsection (a) of this Code section shall be
 1529 sanctioned in accordance with Code Section 31-2-8.

1530 (g) Failure to maintain a smoke ~~detector~~ alarm in good working order in a dwelling,
 1531 dwelling unit, or other facility listed in subsection (a) of this Code section in violation of
 1532 this Code section shall not be considered evidence of negligence, shall not be considered
 1533 by the court on any question of liability of any person, corporation, or insurer, shall not be
 1534 any basis for cancellation of coverage or increase in insurance rates, and shall not diminish
 1535 any recovery for damages arising out of the ownership, maintenance, or occupancy of such
 1536 dwelling, dwelling unit, or other facility listed in subsection (a) of this Code section.

1537 (h) The ~~Safety Fire Commissioner~~ commissioner is authorized and encouraged to inform
 1538 the public through public service announcements of the availability of a limited number of
 1539 battery operated smoke ~~detectors~~ alarms which may be obtained by persons in need without
 1540 charge from the office of ~~Safety Fire Commissioner~~ the commissioner or local fire
 1541 departments.

1542 25-2-41.

1543 The board, department, and commissioner shall succeed to all rules, regulations, policies,
 1544 procedures, and pending and finalized administrative orders of the Safety Fire Division of
 1545 the office of the Commissioner of Insurance applicable to the duties of the commissioner
 1546 and the Department of Fire Safety which are in effect on June 30, 2019. Such rules,
 1547 regulations, policies, procedures, and orders shall remain in effect until amended, repealed,
 1548 superseded, or nullified by the board.

1549 25-2-42.

1550 All valid agreements, contracts, licenses, permits, certificates, and similar authorizations
 1551 previously issued by the Commissioner of Insurance, the state fire marshal, or any division,
 1552 department, or agency with respect to any function transferred to the commissioner and the
 1553 department as provided in this chapter shall continue in effect until the same expire by their
 1554 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 1555 law.

1556 25-2-43.

1557 Effective July 1, 2019, the department shall carry out all of the functions and obligations
 1558 and exercise all of the powers provided in this chapter which were formerly held by the
 1559 Safety Fire Division of the office of the Commissioner of Insurance. All persons employed
 1560 by and positions authorized for the Department of Insurance relating to functions provided
 1561 for in this chapter previously performed by the Safety Fire Division shall, on July 1, 2019,
 1562 be transferred to the department specifically those persons employed in the hazardous
 1563 materials program, the manufactured housing program, and the arson investigation program

1564 who are funded through the fire administration program budget of the Safety Fire Division
 1565 of the office of the Commissioner of Insurance. All office equipment, furniture, and other
 1566 assets and real property in possession of the Department of Insurance which are used or
 1567 held exclusively or principally by personnel transferred under this chapter shall be
 1568 transferred to the department on July 1, 2019."

1569 **SECTION 3-2.**

1570 Said title is further amended by revising Article 2 of Chapter 3, relating to minimum
 1571 requirements for local fire departments generally, as follows:

1572 "ARTICLE 2

1573 25-3-20.

1574 It is the intention of the General Assembly of Georgia to establish minimum requirements
 1575 for all fire departments operating in this state. The General Assembly recognizes that fire
 1576 departments operating in this state cannot function effectively and efficiently as full-time
 1577 fire departments without meeting or exceeding the minimum requirements established by
 1578 this article.

1579 25-3-21.

1580 As used in this article, the term:

1581 (1) ~~'Executive director' means the executive director of the Georgia Firefighter Standards~~
 1582 ~~and Training Council~~ 'Commissioner' means the commissioner of fire safety.

1583 (2)(A) 'Fire department' means any fire department which is authorized to exercise the
 1584 general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

1585 (B) 'Fire department' also means any department, agency, organization, or company
 1586 operating in this state with the intent and purpose of carrying out the duties, functions,
 1587 powers, and responsibilities normally associated with a fire department. These duties,
 1588 functions, powers, and responsibilities include but are not limited to the protection of
 1589 life and property against fire, explosions, or other hazards.

1590 (3) ~~'Firefighter' means any able-bodied person at least 18 years of age who has been duly~~
 1591 ~~appointed by a legally constituted fire department and who has the responsibility of~~
 1592 ~~preventing and suppressing fires, protecting life and property, and performing other~~
 1593 ~~duties enumerated in Code Sections 25-3-1 and 25-3-2~~ shall have the same meaning as
 1594 provided for in Code Section 25-4-2.

1595 25-3-22.

1596 In order for a fire department to be legally organized to operate in the State of Georgia, the
 1597 chief administrative officer of the fire department shall notify and submit all required
 1598 documentation to the ~~executive director~~ commissioner that demonstrates that the
 1599 organization meets the minimum requirements specified in Code Section 25-3-23 and the
 1600 rules and regulations of the ~~Georgia Firefighter Standards and Training Council~~
 1601 Department of Fire Safety to function as a fire department. If the ~~executive director~~
 1602 commissioner is satisfied that the fire department meets the minimum requirements
 1603 contained in Code Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter~~
 1604 ~~Standards and Training Council, he or she shall recommend to the Georgia Firefighter~~
 1605 ~~Standards and Training Council that a Department of Fire Safety, then a certificate of~~
 1606 compliance shall be issued by the ~~council~~ Department of Fire Safety to the fire department.
 1607 If the ~~council~~ Department of Fire Safety issues such certificate of compliance, the fire
 1608 department shall be authorized to exercise the general and emergency powers set forth in
 1609 Code Sections 25-3-1 and 25-3-2.

1610 25-3-23.

1611 (a) Except as otherwise provided in subsection (c) of this Code section, in order to be
 1612 legally organized:

1613 (1) A fire department shall comply with the following requirements:

1614 (A) Be established to provide fire and other emergency and nonemergency services in
 1615 accordance with standards specified solely by the ~~Georgia Firefighter Standards and~~
 1616 ~~Training Council~~ Department of Fire Safety and the applicable local government;

1617 (B) Be capable of providing fire protection 24 hours a day, 365 days per year;

1618 (C) Be responsible for a defined area of operations depicted on a map located at the fire
 1619 station, which area of operations shall have been approved and designated by the
 1620 governing authority of the applicable county, municipality, or other political
 1621 subdivision in the case of any county, municipal, or volunteer fire department; and

1622 (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters
 1623 who have successfully completed basic firefighter training as specified by the ~~Georgia~~
 1624 ~~Firefighter Standards and Training Council~~ Department of Fire Safety; and

1625 (2) A fire department shall possess the following items of ~~approved~~ equipment and
 1626 protective clothing:

1627 (A) A minimum of one fully equipped, operable pumper with a capacity of at least 750
 1628 GPM at 150 PSI and a tank capacity of a minimum of 250 gallons; provided, however,
 1629 that previously approved fire apparatus which does not meet such minimum standards

1630 may be used in lieu of the minimum required pumper until replaced by the local
1631 authority;

1632 (B) A minimum of equipment, appliances, adapters, and accessories necessary to
1633 perform and carry out the duties and responsibilities of a fire department set forth in
1634 Code Sections 25-3-1 and 25-3-2 as ~~approved~~ required by the ~~Georgia Firefighter~~
1635 ~~Standards and Training Council~~ Department of Fire Safety;

1636 (C) A minimum of two approved self-contained breathing apparatus for each pumping
1637 apparatus as ~~approved~~ required by the ~~Georgia Firefighter Standards and Training~~
1638 ~~Council~~ Department of Fire Safety; and

1639 (D) A minimum issue of sufficient personal protective clothing to permit each member
1640 to perform safely the duties of a firefighter.

1641 (b)(1) A legally organized fire department shall provide and maintain sufficient
1642 insurance coverage on each member of the fire department to pay claims for injuries
1643 sustained en route to, during, and returning from fire calls or other emergencies and
1644 disasters and scheduled training sessions.

1645 (2)(A) As used in this paragraph, the term:

1646 (i) 'Cancer' means bladder, blood, brain, breast, cervical, esophageal, intestinal,
1647 kidney, lymphatic, lung, prostate, rectum, respiratory tract, skin, testicular, and
1648 thyroid cancer; leukemia; multiple myeloma; or non-Hodgkin's lymphoma.

1649 (ii) 'Firefighter' means a firefighter as defined in Code Section 25-4-2.

1650 (iii) 'Volunteer' means a volunteer as defined in Code Section 25-4-2.

1651 (B) On and after January 1, 2018, a legally organized fire department shall provide and
1652 maintain sufficient insurance coverage on each member of the fire department who is
1653 a firefighter to pay claims for cancer diagnosed after having served 12 consecutive
1654 months as a firefighter with such fire department. Such insurance benefits shall include
1655 at minimum the following:

1656 (i)(I) A lump sum benefit of \$25,000.00 subject to limitations specified in the
1657 insurance contract and based on severity of cancer and payable to such firefighter
1658 upon submission to the insurance carrier or other payor of acceptable proof of
1659 diagnosis by a physician board certified in the medical specialty appropriate for the
1660 type of cancer involved that there are one or more malignant tumors characterized
1661 by the uncontrollable and abnormal growth and spread of malignant cells with
1662 invasion of normal tissue and that:

1663 (a) Surgery, radiotherapy, or chemotherapy is medically necessary;

1664 (b) There is metastasis; or

- 1665 (c) The firefighter has terminal cancer, is expected to die within 24 months or less
1666 from the date of diagnosis, and will not benefit from, or has exhausted, curative
1667 therapy; or
- 1668 (II) A lump sum benefit of \$6,250.00 subject to limitations specified in the
1669 insurance contract and based on severity of cancer and payable to such firefighter
1670 upon submission to the insurance carrier or other payor of acceptable proof of
1671 diagnosis by a physician board certified in the medical specialty appropriate for the
1672 type of cancer involved that:
- 1673 (a) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy
1674 has been determined to be medically necessary;
- 1675 (b) There are malignant tumors which are treated by endoscopic procedures
1676 alone;
- 1677 (c) There are malignant melanomas; or
- 1678 (d) There is a tumor of the prostate, provided that it is treated with radical
1679 prostatectomy or external beam therapy; and
- 1680 (ii) Payable as a result of a specific injury or illness to begin six months after
1681 disability and submission to the insurance carrier or other payor of acceptable proof
1682 of disability precluding service as a firefighter and continuing for up to 36
1683 consecutive monthly payments:
- 1684 (I) A monthly benefit equal to 60 percent of the member's monthly salary as an
1685 employed firefighter with the fire department or a monthly benefit of \$5,000.00,
1686 whichever is less; or
- 1687 (II) If the member is a volunteer, a monthly benefit of \$1,500.00.
- 1688 The benefit under subdivision (I) or (II) of this division, as applicable, shall be
1689 subordinate to any other benefit actually paid to the firefighter for such disability from
1690 any other source, not including insurance purchased solely by the firefighter, and shall
1691 be limited to the difference between the amount of such other paid benefit and the
1692 amount specified under subdivision (I) or (II) of this division, as applicable.
- 1693 (C) The combined total of all benefits received by any firefighter under
1694 subdivisions (B)(i)(I) and (B)(i)(II) of this paragraph during his or her lifetime shall not
1695 exceed \$50,000.00.
- 1696 (D) With the exception of the benefit under subdivision (B)(ii)(I) of this paragraph, any
1697 person who was simultaneously a member of more than one fire department at the time
1698 of diagnosis shall not be entitled to receive benefits under this paragraph from or on
1699 behalf of more than one of such fire departments. In the event a volunteer of one fire
1700 department is simultaneously employed by another fire department, the fire department
1701 for which such person is a volunteer shall not be required to maintain the coverage on

1702 such volunteer otherwise required under this subsection during the period of such
 1703 employment. Any member who receives benefits under division (ii) of subparagraph
 1704 (B) of this paragraph may be required to have his or her condition reevaluated; in the
 1705 event any such reevaluation reveals that such person has regained the ability to perform
 1706 duties as a firefighter, then his or her benefits under division (ii) of subparagraph (B)
 1707 of this paragraph shall cease. Benefits under said division shall also cease upon the
 1708 death of such person. A member who, after at least one year as a firefighter, departs
 1709 from employment, ceases to be an active volunteer, or retires shall be entitled to
 1710 continue his or her coverages under this paragraph through a continuation or conversion
 1711 to individual coverage. The departing member shall be responsible for payment of all
 1712 premiums.

1713 (E) In addition to any other purpose authorized under Chapter 8 of Title 33, county
 1714 governing authorities and municipal governing authorities may use proceeds from
 1715 county and municipal taxes imposed under said chapter for purposes of providing
 1716 insurance pursuant to this paragraph.

1717 (F) Funds received as premiums for the coverages specified in this paragraph shall not
 1718 be subject to premium taxes under Chapter 8 of Title 33.

1719 (G) The computation of premium amounts by an insurer for the coverages under this
 1720 paragraph shall be subject to generally accepted adjustments from insurance
 1721 underwriting.

1722 (c) ~~The Georgia Firefighter Standards and Training Council~~ Department of Fire Safety
 1723 shall be authorized to adopt such rules and regulations as are reasonable and necessary to
 1724 implement the provisions of this Code section and to establish and modify minimum
 1725 requirements for all fire departments operating in this state, provided that such
 1726 requirements are equal to or exceed the requirements provided in subsections (a) and (b)
 1727 of this Code section.

1728 25-3-24.

1729 ~~The executive director may consult with and consider the recommendations of the director~~
 1730 ~~of the State Forestry Commission, the director of the Georgia Fire Academy, the state fire~~
 1731 ~~marshal, and the governing authority of any county or municipality in which the fire~~
 1732 ~~department is located to determine if individual fire departments are complying with the~~
 1733 ~~minimum provisions of this article and serving the best interests of the citizens of the area~~
 1734 ~~of its operations~~ Reserved.

1735 25-3-25.

1736 (a) The certificate of compliance issued by the ~~council~~ Department of Fire Safety shall be
 1737 subject to suspension or revocation by the ~~council~~ commissioner at any time it he or she
 1738 receives satisfactory evidence that the fire department is not maintaining sufficient
 1739 personnel, equipment, or insurance required by Code Section 25-3-23 or the rules and
 1740 regulations of the ~~Georgia Firefighter Standards and Training Council~~ Department of Fire
 1741 Safety.

1742 (b) The chief administrative officer of any fire department aggrieved by a decision of the
 1743 ~~council~~ commissioner under subsection (a) of this Code section may, within 30 days of the
 1744 date of such decision, request a hearing on the matter before the ~~council~~ commissioner or
 1745 his or her designee. Following a hearing before the ~~council~~ commissioner or his or her
 1746 designee, the chief administrative officer of the fire department affected shall be served
 1747 with a written decision of the ~~council~~ commissioner announcing whether the certificate of
 1748 compliance shall remain revoked or suspended or whether it shall be reinstated. The
 1749 decision of the commissioner may, within 30 days, be appealed to the superior court of the
 1750 county in which the fire department is located. The review by the superior court shall be
 1751 limited to the existing record, including previously admitted documents, testimony, and
 1752 other evidence. During the appeal process set forth in this Code section, the
 1753 commissioner's decision to suspend or revoke a certification shall be stayed.

1754 (c) The ~~council~~ commissioner shall not suspend or revoke any certificate of compliance
 1755 for failure to meet firefighter training requirements when such failure was due to
 1756 unavailability of required training from or through the ~~Georgia Fire Academy~~ Department
 1757 of Fire Safety.

1758 (d) The ~~council~~ commissioner may refer suspensions or revocations to the Attorney
 1759 General for enforcement. Upon referral from the ~~council~~ commissioner, the Attorney
 1760 General may bring a civil action to enjoin any organization which is not in compliance with
 1761 the applicable requirements of this chapter from performing any or all firefighting
 1762 functions until such requirements are met by such organization.

1763 25-3-26.

1764 ~~The executive director shall cooperate with newly formed and existing fire departments to~~
 1765 ~~ensure that all fire departments in this state are in compliance with the provisions of this~~
 1766 ~~article by July 1, 1986.~~

1767 (a) The Board of Fire Safety, the Department of Fire Safety, and the commissioner shall
 1768 succeed to all rules, regulations, policies, procedures, and pending and finalized
 1769 administrative orders of the Georgia Firefighter Standards and Training Council under this
 1770 chapter which are in effect on June 30, 2019. Such rules, regulations, policies, procedures,

1771 and orders shall remain in effect until amended, repealed, superseded, or nullified by the
 1772 board.

1773 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 1774 previously issued by the Georgia Firefighter Standards and Training Council with respect
 1775 to any function transferred to the Department of Fire Safety shall continue in effect until
 1776 the same expire by their terms unless they are suspended, revoked, or otherwise made
 1777 ineffective as provided by law.

1778 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 1779 and obligations and exercise all of the powers formerly held by the Georgia Firefighter
 1780 Standards and Training Council under this chapter.

1781 ~~25-3-27.~~

1782 ~~This article shall not be construed to amend, modify, or repeal any of the provisions of~~
 1783 ~~Chapter 4 of this title, known as the 'Georgia Firefighter Standards and Training Act,' nor~~
 1784 ~~shall this article be construed to restrict the requirements of any other provisions relating~~
 1785 ~~to fire departments, equipment, or personnel."~~

1786 SECTION 3-3.

1787 Said title is further amended by revising Article 1 of Chapter 4, relating to general provisions
 1788 relative to firefighter standards and training, as follows:

1789 "ARTICLE 1

1790 25-4-1.

1791 This chapter shall be known and may be cited as the ~~'Georgia Firefighter Standards and~~
 1792 ~~Training Act.'~~ 'Georgia Fire Safety Professional Development Act.'

1793 25-4-2.

1794 As used in this chapter, the term:

1795 (1) 'Airport' means any airport located in this state which has regularly scheduled
 1796 commercial air carrier service or commuter airline service as required for certification
 1797 under Section 139.49 of the Federal Aviation Administration regulations.

1798 (2) 'Airport firefighter' means any person assigned to any airport located in this state who
 1799 performs the duties of aircraft fire fighting or rescue.

1800 (3) 'Candidate' means a prospective firefighter who has not yet been certified by the
 1801 ~~council~~ Department of Fire Safety as having met the requirements of this chapter.

1802 (4) 'Certified firefighter' or 'state certified firefighter' means any firefighter who has been
 1803 certified by the ~~council~~ Department of Fire Safety as having met the requirements of this
 1804 chapter.

1805 (5) 'Commissioner' '~~Council~~' means the ~~Georgia Firefighter Standards and Training~~
 1806 ~~Council~~ commissioner of fire safety.

1807 (6) 'Division' means the Professional Development Division of the Department of Fire
 1808 Safety.

1809 ~~(5.1)~~(7) 'Fire department' shall have the same meaning as provided in Code
 1810 Section 25-3-21.

1811 ~~(6)~~(8) 'Firefighter' means a recruit or a trained individual who is a full-time employee,
 1812 part-time employee, or volunteer for a municipal, county, state, or private incorporated
 1813 fire department and as such has duties of responding to mitigate a variety of emergency
 1814 and nonemergency situations where life, property, or the environment is at risk, which
 1815 may include, without limitation, fire suppression; fire prevention activities; emergency
 1816 medical services; hazardous materials response and preparedness; technical rescue
 1817 operations; search and rescue; disaster management and preparedness; community service
 1818 activities; response to civil disturbances and terrorism incidents; nonemergency functions,
 1819 including training, preplanning, communications, maintenance, and physical
 1820 conditioning; and other related emergency and nonemergency duties as may be assigned
 1821 or required; provided, however, that a firefighter's assignments may vary based on
 1822 geographic, climatic, and demographic conditions or other factors, including training,
 1823 experience, and ability.

1824 ~~(7)~~(9) 'Full-time' means employed for compensation on a basis of at least ~~40~~ 32.5 hours
 1825 per week by any municipal, county, state, or private incorporated fire department.

1826 ~~(8)~~(10) 'Part-time' means employed for compensation on less than a full-time basis by
 1827 any municipal, county, state, or private incorporated fire department.

1828 ~~(8.1)~~(11) 'Recruit' means a prospective firefighter who has not yet been certified or
 1829 registered by the ~~council~~ Department of Fire Safety as having met the requirements of
 1830 Code Section 25-4-8 and the rules and regulations to be a firefighter as provided for by
 1831 the ~~council~~ Department of Fire Safety.

1832 ~~(9)~~(12) 'Volunteer' means not employed for compensation by but appointed and regularly
 1833 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated
 1834 fire department.

1835 25-4-3.

1836 (a) The Board of Fire Safety, the Department of Fire Safety, and the commissioner shall
 1837 succeed to all rules, regulations, policies, procedures, and pending and finalized

1838 administrative orders of the Georgia Firefighter Standards and Training Council under this
 1839 article which are in effect on June 30, 2019. Such rules, regulations, policies, procedures,
 1840 and orders shall remain in effect until amended, repealed, superseded, or nullified by the
 1841 board.

1842 (b) All valid agreements, licenses, permits, certificates, and similar authorizations
 1843 previously issued by the Georgia Firefighter Standards and Training Council with respect
 1844 to any function transferred to the Department of Fire Safety shall continue in effect until
 1845 the same expire by their terms unless they are suspended, revoked, or otherwise made
 1846 ineffective as provided by law.

1847 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
 1848 and obligations and exercise all of the powers formerly held by the Georgia Firefighter
 1849 Standards and Training Council. All persons employed by and positions authorized for the
 1850 Georgia Firefighter Standards and Training Council shall, on July 1, 2019, be transferred
 1851 to the Department of Fire Safety. All office equipment, furniture, and other assets and real
 1852 property in possession of the Georgia Firefighter Standards and Training Council which
 1853 are used or held exclusively or principally by personnel transferred under this chapter shall
 1854 be transferred to the Department of Fire Safety on July 1, 2019.

1855 ~~(a) The Georgia Firefighter Standards and Training Council is established. The council~~
 1856 ~~shall be composed of 11 members, one of whom shall be the Safety Fire Commissioner or~~
 1857 ~~the designated representative of the Safety Fire Commissioner. Two members shall be~~
 1858 ~~appointed by the Lieutenant Governor. Two members shall be appointed by the Speaker~~
 1859 ~~of the House of Representatives. The remaining six members shall be appointed by the~~
 1860 ~~Governor subject to the following requirements:~~

- 1861 ~~(1) One member shall be a member of the governing authority of a county;~~
- 1862 ~~(2) One member shall be a member of the governing authority of a municipality;~~
- 1863 ~~(3) One member shall be a city or county manager;~~
- 1864 ~~(4) One member shall be the chief of a county or municipal fire department; and~~
- 1865 ~~(5) Two members shall be state certified firefighter training officers.~~

1866 ~~(b) The members of the council appointed by the Governor pursuant to subsection (a) of~~
 1867 ~~this Code section shall be appointed at the sole discretion of the Governor. However, the~~
 1868 ~~Governor may consider for appointment to the council persons suggested for membership~~
 1869 ~~thereon as follows:~~

- 1870 ~~(1) The Association County Commissioners of Georgia may suggest the names of three~~
 1871 ~~persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code~~
 1872 ~~section;~~
- 1873 ~~(2) The Georgia Municipal Association may suggest the names of three persons for each~~
 1874 ~~appointment pursuant to paragraph (2) of subsection (a) of this Code section;~~

1875 ~~(3) The Georgia City and County Management Association may suggest the names of~~
1876 ~~three persons for each appointment pursuant to paragraph (3) of subsection (a) of this~~
1877 ~~Code section;~~

1878 ~~(4) The Georgia Association of Fire Chiefs may suggest the names of three persons for~~
1879 ~~each appointment pursuant to paragraph (4) of subsection (a) of this Code section; and~~

1880 ~~(5) The Executive Board of the Georgia State Firemen's Association may suggest the~~
1881 ~~names of three persons for each appointment pursuant to paragraph (5) of subsection (a)~~
1882 ~~of this Code section.~~

1883 ~~(c)(1) The first members of the council appointed by the Governor pursuant to subsection~~
1884 ~~(a) of this Code section shall be appointed to take office on January 1, 1986. The two~~
1885 ~~members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code~~
1886 ~~section shall be appointed for initial terms of one year, the two members appointed~~
1887 ~~pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be~~
1888 ~~appointed for initial terms of two years, and the two members appointed pursuant to~~
1889 ~~paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms~~
1890 ~~of three years. Thereafter, successors shall be appointed for terms of three years as the~~
1891 ~~respective terms of office expire.~~

1892 ~~(2) The members appointed by the Lieutenant Governor and the members appointed by~~
1893 ~~the Speaker of the House of Representatives shall each serve for terms concurrent with~~
1894 ~~terms of members of the General Assembly.~~

1895 ~~(3) All members shall serve until their successors are appointed and qualified. In the~~
1896 ~~event of a vacancy in the membership of the council for any reason, including ceasing to~~
1897 ~~hold an office or position required for membership on the council, the Governor shall fill~~
1898 ~~such vacancy for the unexpired term, except that a vacancy in either of those members~~
1899 ~~of the council appointed by the Lieutenant Governor or the Speaker of the House of~~
1900 ~~Representatives shall be filled for the remainder of the unexpired term in the same~~
1901 ~~manner as the original appointment. In order for the Governor to consider the names of~~
1902 ~~persons suggested for membership on the council pursuant to subsection (b) of this Code~~
1903 ~~section, such names must be submitted to the Governor by the respective organizations~~
1904 ~~at least 60 days but not more than 90 days prior to the expiration of the respective terms~~
1905 ~~of office or prior to the appointment of the initial members of the council who take office~~
1906 ~~on January 1, 1986. The Governor shall be authorized, but not required, to request the~~
1907 ~~appropriate organization designated in subsection (b) of this Code section to suggest the~~
1908 ~~names of three persons for the Governor's consideration in making an appointment to fill~~
1909 ~~a vacancy.~~

1910 ~~(d) At the first regular meeting of the council held in each even-numbered year, the council~~
 1911 ~~shall elect a chairperson and such other officers from its own membership as it deems~~
 1912 ~~necessary to serve until successors are elected by the council as provided in this subsection.~~

1913 ~~(e) The council may, from time to time, designate an advisory committee of not more than~~
 1914 ~~three members to assist and advise the council in carrying out its duties under this chapter.~~
 1915 ~~The members of any such advisory committee shall serve at the pleasure of the council.~~

1916 ~~(f) Each member of the council and each member of an advisory committee of the council,~~
 1917 ~~in carrying out their official duties, shall be entitled to receive the same expense and~~
 1918 ~~mileage allowance authorized for members of professional licensing boards by subsection~~
 1919 ~~(f) of Code Section 43-1-2. The funds for such expenses and allowances shall be paid from~~
 1920 ~~funds appropriated or available to the Department of Public Safety.~~

1921 25-4-4.

1922 ~~Membership on the council does not constitute public office, and no member shall be~~
 1923 ~~disqualified from holding public office by reason of his membership. Reserved.~~

1924 25-4-5.

1925 ~~The council is assigned to the Department of Public Safety for administrative purposes.~~
 1926 ~~The funds necessary to carry out this chapter shall come from funds appropriated to and~~
 1927 ~~available to the council Department of Fire Safety and from any other available funds. The~~
 1928 ~~council Department of Fire Safety is authorized to accept and use gifts, grants, and~~
 1929 ~~donations for the purpose of carrying out this chapter. The council Department of Fire~~
 1930 ~~Safety is also authorized to accept and use property, both real and personal, and services~~
 1931 ~~for the purpose of carrying out this chapter.~~

1932 25-4-6.

1933 ~~The business of the council shall be conducted in the following manner:~~

1934 ~~(1) The council shall hold at least two regular meetings each year at the call of the~~
 1935 ~~chairperson or upon the written request of six members of the council. Six members of~~
 1936 ~~the council shall constitute a quorum. The council shall adopt such rules for the~~
 1937 ~~transaction of its business as it shall desire and may appoint such committees as it~~
 1938 ~~considers necessary to carry out its business and duties; and~~

1939 ~~(2) The council shall make an annual report of its activities to the Governor and to the~~
 1940 ~~General Assembly and shall include in the report its recommendations for appropriate~~
 1941 ~~legislation. The council shall not be required to distribute copies of the annual report to~~
 1942 ~~the members of the General Assembly but shall notify the members of the availability of~~
 1943 ~~the report in the manner which it deems to be most effective and efficient. Reserved.~~

1944 25-4-7.

1945 There is created the Professional Development Division of the Department of Fire Safety.

1946 The ~~council~~ Department of Fire Safety, through the division, is vested with the following
1947 functions and powers:

1948 (1) To promulgate rules and regulations for the administration of the ~~council~~ certification
1949 of firefighters;

1950 (2) To provide rules of procedure for its internal management and control;

1951 (3) To enter into contracts or do such things as may be necessary and incidental to the
1952 administration of its authority pursuant to this chapter;

1953 (4) To establish uniform minimum standards for the employment and training of
1954 full-time, part-time, or volunteer firefighters, airport firefighters, fire and life safety
1955 educators, fire inspectors, fire investigators, and other such firefighting service
1956 professionals as determined by the ~~council~~ Department of Fire Safety including
1957 qualifications, certifications, recertifications, decertifications, and probations for certified
1958 individuals and suspensions for noncertified individuals, and requirements, which are
1959 consistent with this chapter;

1960 (5) To establish minimum curriculum requirements for schools operated by or for any
1961 employing agency for the specific purpose of training firefighter recruits or full-time,
1962 part-time, or volunteer firefighters, airport firefighters, fire and life safety educators, fire
1963 inspectors, and fire investigators;

1964 (6) To approve institutions and facilities for school operation by or for any employing
1965 agency for the specific purpose of training firefighters and firefighter recruits, including
1966 airport firefighters;

1967 (7) To make or support studies on any aspect of fire-fighting education and training or
1968 recruitment;

1969 (8) To make recommendations concerning any matter within its purview;

1970 (9) To establish basic firefighter training requirements for full-time, part-time, contract,
1971 and volunteer firefighters, including airport firefighters;

1972 (10) To certify any person satisfactorily complying with the training program established
1973 in accordance with paragraph (9) of this Code section and the qualifications for
1974 employment covered in this chapter; and

1975 (11) To issue a certificate to any person who has received training in another state or
1976 who has received training as a federal firefighter by the United States government, when
1977 the ~~council~~ division has determined that the training was at least equivalent to that
1978 required by the ~~council~~ division for approved firefighter education and training programs
1979 in this state and when the person has satisfactorily complied with all other requirements
1980 of this chapter.

1981 25-4-7.1.

1982 (a) The ~~council commissioner~~ shall appoint and establish the compensation of ~~an executive~~
 1983 ~~a director of the division~~ who shall serve at the pleasure of the ~~council commissioner~~.

1984 (b) The ~~executive~~ director, with the approval of the commissioner, may contract for such
 1985 services and employ such other professional, technical, and clerical personnel as may be
 1986 necessary and convenient to carry out the purposes of this chapter.

1987 25-4-8.

1988 (a) Except as provided in Code Section 25-4-12, any employee, volunteer, or private
 1989 contractor of a fire department operating in this state or certified as a firefighter shall, as
 1990 prescribed by the ~~council~~ Department of Fire Safety:

1991 (1) Be at least 18 years of age;

1992 (2) Not have been convicted of, or pleaded guilty to, a felony in any jurisdiction or of a
 1993 crime which if committed in this state would constitute a felony under the laws of this
 1994 state within ten years prior to employment, provided that a person who has been
 1995 convicted of a felony more than five but less than ten years prior to employment may be
 1996 certified and employed as a firefighter when the person has:

1997 (A) Successfully completed a training program following the ~~Georgia Fire Academy~~
 1998 ~~curriculum~~ approved curriculum provided for by the Department of Fire Safety and
 1999 sponsored by the Department of Corrections;

2000 (B) Been recommended to a fire department by the proper authorities at the institution
 2001 at which the training program was undertaken; and

2002 (C) Met all other requirements as set forth in this chapter.

2003 The ~~council commissioner~~ shall be the final authority with respect to authorizing the
 2004 employment, appointment, and certification of a person who has been convicted of a
 2005 felony more than five but less than ten years prior to seeking employment when the
 2006 person is seeking employment as a firefighter for any municipal, county, or state fire
 2007 department which employs three or more firefighters who work a minimum of ~~40~~ 32.5
 2008 hours per week and has the responsibility of preventing and suppressing fires, protecting
 2009 life and property, and enforcing municipal, county, and state codes, as well as enforcing
 2010 any law pertaining to the prevention and control of fires;

2011 (3) Have a good moral character as determined by investigation under procedure
 2012 approved by the ~~council commissioner~~;

2013 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to
 2014 disclose any criminal record;

2015 (5) Be in good physical condition as determined by a medical examination and
2016 successfully pass the minimum physical agility requirements as established by the ~~council~~
2017 commissioner; and

2018 (6) Possess or achieve within 12 months after employment a high school diploma or a
2019 general education development equivalency, unless otherwise waived.

2020 (b) For the purposes of this Code section, a person shall be deemed to have been convicted
2021 of a crime if such person shall have pleaded guilty to a charge thereof before a court or
2022 federal magistrate or shall have been found guilty thereof by the decision or judgment of
2023 a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement
2024 of sentence or the suspension thereof, unless such plea of guilty or such decision, judgment,
2025 or verdict shall have been set aside, reversed, or otherwise abrogated by lawful judicial
2026 process or unless the person convicted of the crime shall have received a pardon therefor
2027 from the President of the United States or the governor or other pardoning authority in the
2028 jurisdiction where the conviction was had or shall have received a certificate of good
2029 conduct granted by the State Board of Pardons and Paroles pursuant to the provisions of
2030 law to remove a disability under law because of such conviction. Any person convicted
2031 of a felony while he or she is a certified firefighter shall have his or her certification
2032 revoked.

2033 (c)(1) For the purposes of making determinations relating to eligibility under this Code
2034 section, a local fire department shall provide information relative to prospective
2035 employees to the local law enforcement agency and a state fire department shall provide
2036 information relative to prospective employees to a state law enforcement agency. Such
2037 local or state law enforcement agency shall be authorized to obtain conviction data with
2038 respect to such prospective employees of a local or state fire department as authorized in
2039 this subsection. The local or state law enforcement agency shall submit to the Georgia
2040 Crime Information Center two complete sets of fingerprints of the applicant for
2041 appointment or employment, the required records search fees, and such other information
2042 as may be required. Upon receipt thereof, the Georgia Crime Information Center shall
2043 promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a
2044 search of bureau records and an appropriate report and shall retain the other set and
2045 promptly conduct a search of its own records and records to which it has access. The
2046 Georgia Crime Information Center shall notify the local or state law enforcement agency
2047 in writing of any derogatory finding, including, but not limited to, any conviction data
2048 regarding the fingerprint records check or if there is no such finding. All conviction data
2049 received by the local or state law enforcement agency shall not be a public record, shall
2050 be privileged, and shall not be disclosed to any other person or agency except as provided
2051 in this subsection and except to any person or agency which otherwise has a legal right

2052 to inspect the employment file. All such records shall be maintained by the local or state
 2053 law enforcement agency pursuant to laws regarding such records and the rules and
 2054 regulations of the Federal Bureau of Investigation and the Georgia Crime Information
 2055 Center, as applicable. As used in this subsection, 'conviction data' means a record of a
 2056 finding or verdict of guilty or plea of guilty or plea of nolo contendere with regard to any
 2057 crime, regardless of whether an appeal of the conviction has been sought.

2058 (2) The local or state law enforcement agency shall provide to the chief of the fire
 2059 department which requested information on an applicant any criminal data indicating that
 2060 the applicant was convicted of a felony. Such information may be provided to the ~~council~~
 2061 Department of Fire Safety. The provisions of paragraph (1) of this subsection relating
 2062 to privileged information and records of conviction data shall apply to any information
 2063 provided by a law enforcement agency to a fire department.

2064 25-4-9.

2065 (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall
 2066 successfully complete a basic training course. The ~~council~~ division shall determine the
 2067 course content, number of hours, and all other matters relative to basic firefighter training,
 2068 including airport rescue firefighter training. Upon satisfactory completion of such basic
 2069 training, a firefighter shall be issued a certificate of completion evidencing the same. Each
 2070 firefighter shall be required to successfully complete such basic training course within 12
 2071 months after being employed or appointed as a firefighter or, in the case of airport
 2072 firefighters, within such time period as the ~~council~~ Department of Fire Safety may
 2073 prescribe by rule or regulation.

2074 (b) A firefighter certified by the ~~council~~ Department of Fire Safety may, upon termination
 2075 of employment from any fire department and upon agreement with a subsequently
 2076 employing fire department, transfer such certification to the employing fire department.

2077 (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire
 2078 department may refuse to accept the transfer of previously acquired certification and may
 2079 require any newly employed firefighter to complete the basic training course provided for
 2080 in subsection (a) of this Code section.

2081 25-4-10.

2082 As a condition of continued certification, all firefighters shall train, drill, or study at
 2083 schools, classes, or courses at the local, area, or state level, as specified by the ~~council~~
 2084 Department of Fire Safety. Authorized leaves of absence are expected.

2085 25-4-11.

2086 This chapter shall provide only the minimum qualification standards in training
2087 requirements for firefighters in this state and does not restrict any employing agency from
2088 setting and establishing requirements that exceed these minimum standards.

2089 25-4-12.

2090 ~~Except as otherwise provided in Article 2, nothing~~ Nothing in this chapter shall apply to
2091 firefighters employed on July 1, 1971, and such firefighters are not required to meet the
2092 requirements of Code Section 25-4-8 or ~~Code Section~~ 25-4-9 as a condition of tenure or
2093 continued employment; nor shall their failure to fulfill such requirements make them
2094 ineligible for any promotional examination for which they are otherwise eligible, affect in
2095 any way any pension rights to which they are otherwise eligible, or affect in any way
2096 pension rights to which they may be entitled on July 1, 1971. ~~The council~~ Department of
2097 Fire Safety shall have the authority to investigate qualifications of, and in its discretion to
2098 issue certificates to, those previously trained firefighters employed on July 1, 1971."

2099 **PART IV**

2100 **SECTION 4-1.**

2101 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
2102 amended by revising Part 6 of Article 1 of Chapter 2, relating to elevators, dumbwaiters,
2103 escalators, manlifts, and moving walks, as follows:

2104 "Part 6

2105 8-2-100.

2106 As used in this part, the term:

2107 (1) 'Alteration' means any change or addition to the equipment other than ordinary
2108 repairs or replacements.

2109 (2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

2110 (2.1) 'Department' means the Department of Fire Safety.

2111 (3) 'Dumbwaiter' means a hoisting and lowering mechanism which is equipped with a
2112 car which moves in guides in a substantially vertical direction, the floor area of which
2113 does not exceed nine square feet, the total inside height of which, whether or not provided
2114 with fixed or removable shelves, does not exceed four feet, the capacity of which does
2115 not exceed 500 pounds, and the use of which is exclusively for carrying materials. Such
2116 term includes a power dumbwaiter and a hand dumbwaiter.

2117 (4)(A) 'Elevator' means a hoisting and lowering mechanism designed to carry
2118 passengers or authorized personnel and equipped with a car which moves in fixed
2119 guides and serves two or more fixed landings.

2120 (B) Except as specifically provided in subsection (a) of Code Section 8-2-102,
2121 'elevator' also means a freight elevator, gravity elevator, hand elevator, inclined
2122 elevator, multideck elevator, observation elevator, passenger elevator, power elevator,
2123 electric elevator, hydraulic elevator, direct-plunger hydraulic elevator, electrohydraulic
2124 elevator, maintained pressure hydraulic elevator, roped-hydraulic elevator, private
2125 residence elevator, and sidewalk elevator.

2126 (5) 'Enforcement authority' means the ~~Commissioner~~ commissioner, officers, and
2127 inspectors of the ~~office~~ department authorized to enforce the provisions of this part and
2128 local inspectors authorized to enforce the provisions of this part.

2129 (6) 'Escalator' means a power driven, inclined, continuous stairway used for raising or
2130 lowering passengers.

2131 (7) 'Hand dumbwaiter' means a dumbwaiter driven by manual power, serving more than
2132 two consecutive stories, whose capacity exceeds 20 pounds and whose car platform area
2133 exceeds two square feet.

2134 (8) 'Hand elevator' means an elevator utilizing manual power to move the car.

2135 (9) 'Hoistway' means a shaftway or an opening through a building or structure for the
2136 travel of elevators, dumbwaiters, or material lifts, extending from the pit floor to the roof
2137 or floor above.

2138 (10) 'Manlift' means a device consisting of a power driven endless belt moving in one
2139 direction only which is provided with steps or platforms and handholds attached to it for
2140 the transportation of personnel from floor to floor.

2141 (11) 'Moving walk' means a type of passenger-carrying device on which passengers stand
2142 or walk and in which the passenger-carrying surface remains parallel to its direction of
2143 motion and is uninterrupted.

2144 (12) '~~Office~~' means the ~~office of Safety Fire Commissioner~~ Reserved.

2145 (13) 'Power dumbwaiter' means a dumbwaiter driven by the application of energy other
2146 than hand or gravity.

2147 (14) 'Power freight elevator' means an elevator used primarily for carrying freight,
2148 utilizing energy other than gravity or hand to move the car and on which only the
2149 operator and the persons necessary for unloading and loading the freight are permitted
2150 to ride.

2151 (15) 'Power passenger elevator' means an elevator used primarily to carry persons other
2152 than the operator and persons necessary for loading and unloading and utilizing energy
2153 other than gravity or hand to move the car.

2154 8-2-101.

2155 (a) All elevators, escalators, manlifts, moving walks, and dumbwaiters erected or placed
2156 in service after January 1, 1986, shall be inspected before being placed in service and shall
2157 be registered within 15 days after they are completed and placed in service.

2158 (b) Every elevator, dumbwaiter, manlift, moving walk, and escalator shall be maintained
2159 by the owner or lessee in a safe operating condition and in conformity with the rules and
2160 regulations specified by subsection (b) of Code Section 8-2-104.

2161 (c) Before any alteration can be made to any elevator, escalator, manlift, moving walk, or
2162 dumbwaiter already placed in service, the owner or lessee shall be required to notify the
2163 enforcement authority of any such alteration. The enforcement authority shall be
2164 authorized to conduct an inspection after any such alteration.

2165 8-2-102.

2166 (a)(1) Power passenger elevators, power freight elevators, escalators, manlifts, and
2167 moving walks shall be inspected once during each six-month period.

2168 (2) Hand elevators and power and hand dumbwaiters shall be inspected once during each
2169 12 month period.

2170 (b) Inspections and installations shall be made in accordance with the standards set forth
2171 in Part 'X' of ANSI A17.1-1984, the American National Standard Practice for Inspection
2172 of Elevators, Escalators and Moving Walks Inspector's Manual ANSI A17.2, the Safety
2173 Standards for Manlifts ANSI A90.1-1976, the Safety Standard for Construction Hoists
2174 ANSI A10.4-1981 and ANSI A10.5-1981, the Safety Standard for Conveyors and Related
2175 Equipment ANSI B20.1-1984, or the latest revised rules and regulations adopted by the
2176 ~~Commissioner~~ commissioner. Any inspections performed under these codes shall cover
2177 the hoistway, associated equipment rooms, and access thereto, and shall include lobby
2178 smoke detectors.

2179 (c) A report of any inspection required by this Code section shall be filed with the ~~office~~
2180 department if the inspection is made by a state enforcement authority or with the local
2181 governing authority if the inspection is made by a local enforcement authority. Copies of
2182 the reports for new installations shall also be filed with the state fire marshal for his or her
2183 information. Such reports shall be made within ten days after the inspection has been
2184 completed, on forms prescribed by the ~~Commissioner~~ commissioner or the local
2185 enforcement authority, and shall indicate whether the elevator, escalator, manlift, moving
2186 walk, or dumbwaiter is safe and whether it meets the applicable rules and regulations
2187 prescribed pursuant to subsection (b) of Code Section 8-2-104. After any such report is
2188 filed, the enforcement authority may require additional inspections to assure that any such
2189 elevator, escalator, manlift, moving walk, or dumbwaiter meets such rules and regulations.

2190 (d) If any inspection report indicates that an elevator, escalator, manlift, moving walk, or
2191 dumbwaiter is in an unsafe condition which if continually operated may endanger lives or
2192 property, then the enforcement authority may, at its discretion, require the owner or lessee
2193 to discontinue the use thereof until it has been made safe and in conformity with the rules
2194 and regulations specified in subsection (b) of Code Section 8-2-104.

2195 (e) Elevator contractors who perform installations, alterations, repairs, or modifications
2196 on elevators, escalators, power freight elevators, moving walks, manlifts, or dumbwaiters,
2197 including the hoistways and machine rooms, shall be exempt from the requirements of
2198 Code Sections 43-14-8 and 43-14-8.1.

2199 (f) Private residence elevators shall be exempt from mandatory periodic inspections but
2200 shall be required to have an initial construction inspection as provided in the rules and
2201 regulations of the ~~Commissioner~~ commissioner. At the request of the owner or user of a
2202 private residence elevator, an inspection may be performed by the ~~office~~ department and
2203 an inspection report issued. The ~~office~~ department shall charge the person requesting the
2204 report a fee as set by the ~~Commissioner~~ commissioner to cover actual expenses of the
2205 inspection.

2206 8-2-103.

2207 (a) An operating report shall be issued by the enforcement authority if the inspection report
2208 indicates that the elevator, escalator, manlift, moving walk, or dumbwaiter complies with
2209 the applicable rules and regulations prescribed pursuant to subsection (b) of Code Section
2210 8-2-104 and upon payment of a permit fee. Such permits shall be valid for a period of 12
2211 months.

2212 (b) No elevator, escalator, manlift, moving walk, or dumbwaiter shall be operated by the
2213 owner or lessee thereof unless a valid operating permit, or a limited operating permit when
2214 permitted by the rules and regulations of the ~~Commissioner~~ commissioner, has been issued.

2215 (c) The operating permit shall indicate whether it is issued for an elevator, escalator,
2216 manlift, moving walk, or dumbwaiter, state the rated load and speed and, in the case of an
2217 elevator, state whether the usage is for passengers or freight. The operating permit shall be
2218 posted either conspicuously in the car of an elevator or on the premises. The operating
2219 permit for an escalator, manlift, moving walk, or a dumbwaiter shall be posted on the
2220 premises.

2221 (d) If the enforcement authority has reason to believe that any owner or lessee to whom
2222 an operating permit has been issued is not complying with the applicable rules and
2223 regulations specified in subsection (b) of Code Section 8-2-104, it shall so notify such
2224 owner or lessee and shall give notice of a date for a hearing thereon to such owner or
2225 lessee. If, after such hearing, it shall find that such owner or lessee is not complying with

2226 such rules and regulations, it shall revoke such permit and require the owner or lessee to
 2227 discontinue the use of such elevator, escalator, manlift, moving walk, or power
 2228 dumbwaiter.

2229 8-2-104.

2230 (a) The ~~Commissioner~~ commissioner shall be authorized to employ inspectors to carry out
 2231 the provisions of this part. The ~~Commissioner~~ commissioner shall also be authorized to
 2232 certify other qualified persons to carry out the provisions of this part, including technically
 2233 competent individuals of any company licensed to insure and insuring elevators in this state
 2234 and technically competent individuals of a regularly established elevator inspection service.
 2235 The ~~Commissioner~~ commissioner shall prescribe the qualifications, authority, functions,
 2236 and duties of such inspectors.

2237 (b)(1)(A) The ~~Commissioner~~ commissioner shall by rules and regulations prescribe
 2238 various inspection fees and operating permit fees necessary to enable the state and local
 2239 enforcement authorities to carry out the provisions of this part.

2240 (B) The owners and users of elevators, dumbwaiters, escalators, manlifts, and moving
 2241 walks which are inspected by certified inspectors in private business or with private
 2242 corporations shall be exempt from the payment to the state or local enforcement
 2243 authorities of the inspection fees provided in subparagraph (A) of this paragraph.

2244 (2) Elevators, dumbwaiters, escalators, manlifts, and moving walks subject to operating
 2245 permit inspections by private inspectors shall be inspected within 60 calendar days
 2246 following the required reinspection date. Inspections not performed within this 60
 2247 calendar day period shall result in a civil penalty of \$500.00 for each elevator,
 2248 dumbwaiter, escalator, manlift, or moving walk not inspected.

2249 (3) Inspection fees due on elevators, dumbwaiters, escalators, manlifts, and moving
 2250 walks subject to inspection by the chief or deputy inspectors or operating permit fees due
 2251 from inspections performed by private inspectors shall be paid within 60 calendar days
 2252 of completion of such inspections. Inspection fees or operating fees unpaid within 60
 2253 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a
 2254 month. Interest shall continue to accrue until all amounts due, including interest, are
 2255 received by the ~~Commissioner~~ commissioner.

2256 (4) The ~~Commissioner~~ commissioner may waive the collection of the penalties and
 2257 interest assessed in paragraphs (2) and (3) of this subsection when it is reasonably
 2258 determined that the delays in inspection or payment were unavoidable or due to the action
 2259 or inaction of the ~~office~~ department.

2260 (c) The American National Standard Safety Code for elevators, dumbwaiters, escalators,
 2261 and moving walks ANSI A17.1-1984 and the Safety Standards for Manlifts ANSI

2262 A90.1-1976 are adopted as rules and regulations of the ~~office~~ department for the purposes
 2263 of this part until otherwise amended by rules and regulations of the ~~Commissioner~~
 2264 commissioner.

2265 (d) In addition to the rules and regulations adopted pursuant to subsections (b) and (c) of
 2266 this Code section, the ~~Commissioner~~ commissioner shall be authorized to adopt such rules
 2267 and regulations as may be reasonably necessary to carry out the provisions of this part.

2268 (e) The ~~Commissioner~~ commissioner shall also have the power in any particular case to
 2269 grant exceptions and variations from the literal requirements of the rules and regulations
 2270 adopted pursuant to subsection (c) of this Code section. Such exceptions and variations
 2271 shall be granted only in any particular case where it is clearly evident that they are
 2272 necessary to prevent undue hardship or where the existing conditions prevent compliance
 2273 with the literal requirements of the rules and regulations. In no case shall any exception
 2274 or variation be granted unless, in the opinion of the ~~Commissioner~~ commissioner,
 2275 reasonable safety will be secured thereby.

2276 8-2-105.

2277 (a) The governing body of any municipality or county which adopts at least the minimum
 2278 rules and regulations relative to inspections and safety standards for elevators, escalators,
 2279 manlifts, moving walks, and dumbwaiters as provided in subsection (b) of Code Section
 2280 8-2-102 and subsection (c) of Code Section 8-2-104 shall have the power:

2281 (1) To adopt by ordinance or resolution any reasonable provisions for the enforcement
 2282 of such local standards adopted applicable to elevators, escalators, manlifts, moving
 2283 walks, and dumbwaiters, including procedural requirements, provisions for hearings,
 2284 provisions for appeals from decisions of local inspectors, and any other provisions or
 2285 procedures necessary to the proper administration and enforcement of the requirements
 2286 of such local standards;

2287 (2) To provide for inspection of buildings or similar structures to ensure compliance with
 2288 the local standards;

2289 (3) To employ inspectors, including chief and deputy inspectors, and any other personnel
 2290 necessary for the proper enforcement of such standards, provided that such inspectors
 2291 meet the minimum qualifications of state inspectors and are certified by the
 2292 ~~Commissioner~~ commissioner pursuant to subsection (a) of Code Section 8-2-104;

2293 (4) To contract with other municipalities or counties adopting at least state minimum
 2294 standards, or with the state, to administer such standards and to provide inspection and
 2295 enforcement personnel and services necessary to ensure compliance with the standards;
 2296 and

2297 (5) To contract with any other county or municipality whereby the parties agree that the
 2298 inspectors of each contracting party may have jurisdiction to enforce the local standards
 2299 within the boundaries of the other contracting party.

2300 (b) When a local enforcement authority conducts an inspection or issues an operating
 2301 permit as provided in this part, any inspection fee or operating permit fee due shall be paid
 2302 to the municipality or county employing the enforcement authority.

2303 8-2-106.

2304 (a) The owner or lessee shall report, by telephone, to the enforcement authority on the
 2305 same day or by noon on the next work day, excluding state holidays and weekends, all
 2306 elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving
 2307 personal injury or death. The owner or lessee shall also provide a written report of this
 2308 accident within seven days.

2309 (b) The owner or lessee shall report, in writing, to the enforcement authority within seven
 2310 days, excluding state holidays and weekends, all elevator, escalator, manlift, moving walk,
 2311 or power dumbwaiter related accidents involving structural damage to the elevator,
 2312 escalator, manlift, moving walk, or power dumbwaiter.

2313 (c) Any elevator, escalator, manlift, moving walk, or power dumbwaiter involved in an
 2314 accident described in subsection (a) or (b) of this Code section shall be removed from
 2315 service at the time of the accident. The equipment shall not be repaired, altered, or placed
 2316 back in service until inspected by a certified inspector for the enforcement authority.

2317 8-2-107.

2318 (a) The installation, alteration, maintenance, and operation of the facilities and equipment
 2319 regulated by or pursuant to the provisions of this part affect the public interest, and such
 2320 regulation is necessary for the protection of the public health, safety, and welfare.
 2321 Therefore, violations of this part or of rules and regulations adopted by or pursuant to this
 2322 part are a public nuisance, harmful to the public health, safety, and welfare; and, in addition
 2323 to other remedies provided by law, the actions of the ~~Commissioner~~ commissioner, the
 2324 ~~office~~ department, or any local enforcement authority under this part shall be enforceable
 2325 by injunction properly applied for by the ~~Commissioner~~ commissioner or any other
 2326 enforcement authority in any court of Georgia having jurisdiction over the defendant.

2327 (b)(1) Any person, firm, partnership, or corporation which violates this part shall be
 2328 guilty of a misdemeanor. Each day on which a violation occurs shall constitute a separate
 2329 offense.

2330 (2) In addition to the penalty provisions in subsection (a) of this Code section and
 2331 paragraph (1) of this subsection, the ~~Commissioner~~ commissioner shall have the power,

2332 after notice and hearing, to levy civil penalties as prescribed in the rules and regulations
 2333 of the ~~office~~ department in an amount not to exceed \$5,000.00 upon any person, firm,
 2334 partnership, or corporation failing to adhere to the requirements of this part and the rules
 2335 and regulations promulgated under this part. The imposition of a penalty for a violation
 2336 of this part or the rules and regulations promulgated under this part shall not excuse the
 2337 violation or permit it to continue.

2338 8-2-108.

2339 (a) Any person aggrieved by an order or an act of an inspector under this chapter may,
 2340 within 15 days of notice thereof, appeal from such order or act to the ~~Commissioner~~
 2341 commissioner who shall, within 30 days thereafter, issue an appropriate order either
 2342 approving or disapproving said order or act. A copy of such order by the ~~Commissioner~~
 2343 commissioner shall be given to all interested parties.

2344 (b) This part, as it applies to the ~~Commissioner~~ commissioner and the ~~office~~ department,
 2345 shall be governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

2346 8-2-109.

2347 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
 2348 knowledgeable in the areas of construction, use, or safety of conveyances or facilities
 2349 covered by this part and to create committees composed of such consultants to assist the
 2350 ~~Commissioner~~ commissioner in carrying out his or her duties under this part.

2351 8-2-109.1.

2352 (a) This part shall not apply to elevators located on vehicles operating under the rules of
 2353 other state or federal authorities and used for carrying passengers or freight.

2354 (b) This part shall not apply to any single-seat, single-passenger chairlift located in a
 2355 building owned and operated by an incorporated or unincorporated nonprofit organization
 2356 organized and operated exclusively for educational, religious, charitable, or other
 2357 eleemosynary purposes.

2358 (c) Any county, municipality, or other political subdivision which adopts the minimum
 2359 rules and regulations as provided in Code Section 8-2-105 shall be audited on a semiannual
 2360 basis for compliance by the ~~office~~ department; and any laws, ordinances, or resolutions in
 2361 conflict with this part shall be void and of no effect.

2362 8-2-109.2.

2363 (a) The Board of Fire Safety, the commissioner, and the department shall succeed to all
 2364 rules, regulations, policies, procedures, and pending and finalized administrative orders of

2365 the Safety Fire Commissioner under this part which are in effect on June 30, 2019. Such
 2366 rules, regulations, policies, procedures, and orders shall remain in effect until amended,
 2367 repealed, superseded, or nullified by the board.

2368 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 2369 authorizations previously issued by the Safety Fire Commissioner with respect to any
 2370 function transferred to the department shall continue in effect until the same expire by their
 2371 terms unless they are suspended, revoked, or otherwise made ineffective as provided by
 2372 law.

2373 (c) Effective July 1, 2019, the commissioner and the department shall carry out all of the
 2374 functions and obligations and exercise all of the powers in this part that were formerly held
 2375 by the Safety Fire Commissioner."

2376 **SECTION 4-2.**

2377 Said title is further amended by revising Part 2 of Article 2 of Chapter 2, relating to
 2378 manufactured homes, as follows:

2379 "Part 2

2380 8-2-130.

2381 This part shall be known and may be cited as 'The Uniform Standards Code for
 2382 Manufactured Homes Act.'

2383 8-2-131.

2384 As used in this part, the term:

2385 (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

2386 (2) 'Installer' means a person responsible for performing an installation and who is
 2387 required to obtain a license pursuant to the provisions of Code Section 8-2-160.

2388 (3) 'Lending institutions' means lenders that acquire manufactured or mobile homes
 2389 incident to their regular business, including national and state chartered banks, federal
 2390 and state chartered credit unions, lenders that are licensed under Article 13 of Chapter 1
 2391 of Title 7, and lenders that are involved in manufactured or mobile home chattel lending.

2392 (4) 'Manufactured home' means a structure, transportable in one or more sections, which,
 2393 in the traveling mode, is eight body feet or more in width or 40 body feet or more in
 2394 length or, when erected on site, is 320 or more square feet and which is built on a
 2395 permanent chassis and designed to be used as a dwelling with or without a permanent
 2396 foundation when connected to the required utilities and includes the plumbing, heating,
 2397 air-conditioning, and electrical systems contained therein; except that such term shall

2398 include any structure which meets all the requirements of this paragraph except the size
 2399 requirements and with respect to which the manufacturer voluntarily files a certification
 2400 required by the secretary of housing and urban development and complies with the
 2401 standards established under the National Manufactured Housing Construction and Safety
 2402 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

2403 (5) 'Manufacturer' means any person who constructs or assembles manufactured homes.

2404 (6) 'Mobile home' means a structure, transportable in one or more sections, which, in the
 2405 traveling mode, is eight body feet or more in width or 40 body feet or more in length or,
 2406 when erected on site, is 320 or more square feet and which is built on a permanent chassis
 2407 and designed to be used as a dwelling with or without a permanent foundation when
 2408 connected to the required utilities and includes the plumbing, heating, air-conditioning,
 2409 and electrical systems contained therein and manufactured prior to June 15, 1976.

2410 (7) 'Person' means an individual, corporation, partnership, association, or any other legal
 2411 entity but shall not include a trust or the state or any political subdivision thereof.

2412 (8) 'Retail broker' means any person engaged in the business of selling or offering for
 2413 sale to consumers three or more new or used manufactured or mobile homes in a 12
 2414 month period and who does not maintain a display of manufactured or mobile homes.
 2415 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase
 2416 transactions, and the term 'retail broker' does not include lending institutions.

2417 (9) 'Retailer' means any person engaged in the business of selling or offering for sale to
 2418 consumers three or more new or used manufactured or mobile homes in a 12 month
 2419 period and who maintains a display of manufactured or mobile homes. As used in this
 2420 paragraph, the terms 'selling' and 'sale' include lease-purchase transactions, and the term
 2421 'retailer' does not include lending institutions.

2422 8-2-132.

2423 (a) The ~~Commissioner~~ commissioner is authorized and empowered to contract or enter into
 2424 cooperative agreements with any agency, department, or instrumentality of the United
 2425 States; any agency, board, department, or commission of the state; any county,
 2426 municipality, or local government of the state, or any combination of same; any public or
 2427 private corporation or firm, or any persons whatsoever; or any public authority, agency,
 2428 commission, or institution to participate in the enforcement of manufactured home
 2429 construction and safety standards which may be promulgated pursuant to the National
 2430 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
 2431 Section 5401, et seq.; provided, however, that the ~~Commissioner~~ commissioner shall notify
 2432 the United States Department of Housing and Urban Development by July 1 of his or her

2433 intention to terminate any such contract or agreement, which termination shall become
2434 effective on July 1 of the following year.

2435 (b) It is the policy of this state and purpose of this part to forbid the manufacture and sale
2436 of new manufactured homes which are not constructed in accordance with the National
2437 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
2438 Section 5401, et seq.

2439 (c) The ~~Commissioner~~ commissioner is authorized and empowered to issue and
2440 promulgate all rules and procedures which in his or her judgment are necessary and
2441 desirable to make effective the construction standards established by the National
2442 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
2443 5401, et seq.

2444 8-2-133.

2445 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2446 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, the
2447 ~~Commissioner~~ commissioner may make, amend, alter, and repeal general rules and
2448 regulations of procedure to carry into effect this part, to obtain statistical data concerning
2449 manufactured homes, and to prescribe means, methods, and practices to make this part
2450 effective. The ~~Commissioner~~ commissioner may also make such investigations and
2451 inspections as in his or her judgment are necessary to enforce and administer this part.

2452 8-2-134.

2453 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2454 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, no
2455 person may manufacture, sell, or offer for sale any manufactured home unless such
2456 manufactured home and its components, systems, and appliances have been constructed
2457 and assembled in accordance with rules issued by the ~~Commissioner~~ commissioner with
2458 respect to the construction, assembly, and sale of such manufactured homes and unless
2459 compliance with such rules is shown in the manner required by the ~~Commissioner's~~
2460 commissioner's rules.

2461 8-2-135.

2462 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2463 cooperative agreements pursuant to his or her authority under Code Section 8-2-132:

- 2464 (1) Every manufacturer who manufactures manufactured homes outside the State of
2465 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for
2466 and obtain a license;

2467 (2) Every manufacturer who manufactures manufactured homes in Georgia shall apply
 2468 for and obtain a license;

2469 (3) Every retailer and retail broker who sells or offers for sale new or used manufactured
 2470 homes or mobile homes in Georgia shall apply for and obtain a license;

2471 (4) Applications for licenses and renewal licenses shall be obtained from the
 2472 ~~Commissioner~~ commissioner and submitted on or before January 1 of each year. All
 2473 applicants shall certify in the application that all construction, electrical, heating, and
 2474 plumbing standards will be complied with as set forth in this part and in the rules and
 2475 regulations of the ~~Commissioner~~ commissioner; and

2476 (5) The license and renewal license fee shall be \$440.00 per manufacturing plant which
 2477 manufactures manufactured homes within the State of Georgia; \$440.00 per out-of-state
 2478 manufacturing plant which manufactures manufactured homes for the purpose of offering
 2479 for sale, or having such homes sold, within the State of Georgia; and \$300.00 per retailer
 2480 location and retail broker which sells, offers for sale, or transports to sell such homes
 2481 within the State of Georgia. The license shall be valid from January 1 through
 2482 December 31 of the year in which it was issued. The fee for delinquent renewal
 2483 applications received after January 10 of each year shall be double the regular annual
 2484 renewal fee.

2485 8-2-135.1.

2486 (a) During such time as the ~~Commissioner's~~ commissioner's office is acting as the primary
 2487 inspection agency pursuant to Section 623 of the National Manufactured Housing
 2488 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the
 2489 regulations issued thereunder, every manufacturer who manufactures manufactured homes
 2490 in Georgia shall pay to the ~~Commissioner~~ commissioner a manufacturing inspection fee for
 2491 each manufactured home manufactured in Georgia, irrespective of whether the
 2492 manufactured home is offered for sale in this state. This manufacturing inspection fee shall
 2493 be \$30.00 for each certification label, as defined in Section 623 of the National
 2494 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 2495 5401, et seq. For any reinspection, a \$15.00 additional fee shall be charged.

2496 (b) During such time as the ~~Commissioner's~~ commissioner's office is acting as the state
 2497 administrative agency pursuant to Section 623 of the National Manufactured Housing
 2498 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., a
 2499 monitoring inspection fee paid by each manufacturer in Georgia for each manufactured
 2500 home manufactured in this state shall be paid to the secretary of the United States
 2501 Department of Housing and Urban Development or to the secretary's agent for distribution

2502 in accordance with the National Manufactured Housing Construction and Safety Standards
2503 Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations promulgated thereunder.

2504 8-2-136.

2505 Each manufacturer, retailer, retail broker, and installer of manufactured homes shall
2506 establish and maintain such records, make such reports, and provide such information as
2507 the ~~Commissioner~~ commissioner or the secretary of the United States Department of
2508 Housing and Urban Development may reasonably require in order to be able to determine
2509 whether the manufacturer, retailer, retail broker, or installer has acted or is acting in
2510 compliance with this part or with the National Manufactured Housing Construction and
2511 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. Upon the request of a
2512 person duly designated by the ~~Commissioner~~ commissioner or the secretary of the United
2513 States Department of Housing and Urban Development, each manufacturer, retailer, retail
2514 broker, and installer shall permit that person to inspect appropriate books, papers, records,
2515 and documents relevant to determining whether the manufacturer, retailer, retail broker, or
2516 installer has acted or is acting in compliance with this part or with the National
2517 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
2518 5401, et seq.

2519 8-2-137.

2520 (a) Any hearing conducted under the provisions of this chapter or of the rules and
2521 regulations promulgated under this part shall be in accordance with Chapter 13 of Title 50,
2522 the 'Georgia Administrative Procedure Act.'

2523 (b) The ~~Commissioner~~ commissioner shall be authorized to determine by regulation the
2524 manner in which he or she will conduct presentations of views as required during his or her
2525 participation as the state administrative agency pursuant to the National Manufactured
2526 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

2527 (c) The ~~Commissioner~~ commissioner may, through regulations, establish a dispute
2528 resolution program in compliance with 42 U.S.C. Section 5422, the National Manufactured
2529 Housing Construction and Safety Standards Act of 1974.

2530 8-2-138.

2531 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2532 cooperative agreements pursuant to his or her authority under Code Section 8-2-132,
2533 retailers, retail brokers, and installers are expressly prohibited from altering or modifying
2534 any manufactured home certified under this part and under the rules and regulations of the
2535 ~~Commissioner~~ commissioner, except that alterations, changes, or modifications may be

2536 made by retailers, retail brokers, or installers certified to make such alterations, changes,
2537 or modifications in accordance with rules and regulations promulgated by the
2538 ~~Commissioner~~ commissioner.

2539 8-2-139.

2540 (a) No person may interfere with, obstruct, or hinder an authorized representative of the
2541 ~~Commissioner~~ commissioner who displays proper department credentials in the
2542 performance of his or her duties as set forth in this part.

2543 (b) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon
2544 showing proper credentials and in the discharge of their duties pursuant to this part, are
2545 authorized during regular business hours and without advance notice to enter and inspect
2546 all facilities, warehouses, or establishments in the State of Georgia in which manufactured
2547 homes are manufactured.

2548 (c) The ~~Commissioner~~ commissioner or any of his or her authorized representatives, upon
2549 showing proper credentials and in the discharge of their duties pursuant to this part, are
2550 authorized during regular business hours and without advance notice to enter upon and
2551 inspect all premises in the State of Georgia in which manufactured homes are being sold.

2552 8-2-140.

2553 Any authorized representative of the ~~Commissioner~~ commissioner may, upon displaying
2554 proper department credentials, stop and inspect any new manufactured home in transit in
2555 order to ascertain if the manufactured home complies with this part and the rules and
2556 regulations promulgated hereunder, provided that the manufactured home has been
2557 manufactured in this state or has been transported into this state for the purpose of sale
2558 within this state.

2559 8-2-141.

2560 (a) During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2561 cooperative agreements pursuant to his or her authority under Code Section 8-2-132, any
2562 retailer, retail broker, or manufacturer who fails to apply for or obtain a license as required
2563 by Code Section 8-2-135 or who fails to remit the appropriate license fee as stated in Code
2564 Section 8-2-135 shall be subject to a monetary penalty not to exceed \$100.00 for each day
2565 that such violation persists, except that the maximum monetary penalty shall not exceed
2566 \$20,000.00 for any one violation.

2567 (b) Any such monetary penalty may be imposed by the ~~Commissioner~~ commissioner after
2568 notice and opportunity for hearing as provided under Chapter 13 of Title 50, the 'Georgia
2569 Administrative Procedure Act.' The amount of such penalty may be collected by the

2570 ~~Commissioner~~ commissioner in the same manner that money judgments are now enforced
 2571 in the superior courts of this state.

2572 (c) In addition to any such monetary penalty, the ~~Commissioner~~ commissioner may bring
 2573 a civil action to enjoin any violation of Code Section 8-2-135, and it shall not be necessary
 2574 for the ~~Commissioner~~ commissioner to allege or prove the absence of an adequate remedy
 2575 at law.

2576 8-2-142.

2577 If any state or foreign country imposes upon Georgia-domiciled manufactured home
 2578 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in
 2579 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or
 2580 restrictions, for the privilege of doing business in that state or country, which costs,
 2581 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,
 2582 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home
 2583 manufacturers (or their agents or representatives) which are domiciled in that state or
 2584 foreign country and which are doing business or are seeking to do business in the State of
 2585 Georgia, then so long as that state or foreign country continues to impose such costs,
 2586 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home
 2587 manufacturers (or their agents or representatives), the State of Georgia shall impose upon
 2588 manufactured home manufacturers (or their agents or representatives) which are domiciled
 2589 in that state or foreign country and which are doing business or are seeking to do business
 2590 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by
 2591 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or
 2592 their agents or representatives) which are doing business or seeking to do business in that
 2593 state or foreign country. Any tax, license, or other fee or other obligation imposed by any
 2594 city, county, or other political subdivision or agency of such other state or country on
 2595 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)
 2596 shall be deemed to be imposed by such state or country within the meaning of this Code
 2597 section.

2598 8-2-143.

2599 (a) ~~Civil penalties.~~ Any person in this state who violates any provision of Section 610 of
 2600 the National Manufactured Housing Construction and Safety Standards Act of 1974,
 2601 42 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be
 2602 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such
 2603 violation. Each violation of Section 610 of the aforementioned act or of any regulation or
 2604 order issued thereunder shall constitute a separate violation with respect to each

2605 manufactured home or with respect to each failure or refusal to allow or perform an act
 2606 required thereby, except that the maximum civil penalty may not exceed \$1 million for any
 2607 related series of violations occurring within one year from the date of the first violation.

2608 (b) **Criminal penalties.** An individual or a director, officer, or agent of a corporation who
 2609 knowingly and willfully violates any provision of Section 610 of the National
 2610 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
 2611 Section 5401, et seq., in a manner which threatens the health or safety of any purchaser
 2612 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
 2613 \$1,000.00 or be imprisoned for not more than 12 months, or both.

2614 8-2-144.

2615 The ~~Commissioner of Insurance~~ commissioner shall file a report on or before December 15
 2616 of each year accounting for all fees received by the ~~Commissioner~~ commissioner under this
 2617 part and Part 3 of this article for the preceding 12 month period and for the actual costs of
 2618 the inspection programs under this part and Part 3 of this article for the preceding 12 month
 2619 period. Such report shall be provided to the chairpersons of the House Committee on
 2620 Appropriations ~~Committee~~, the Senate Appropriations Committee, the House Committee
 2621 on Governmental Affairs ~~Committee~~, and the Senate Regulated Industries and Utilities
 2622 Committee, the director of the Office of Planning and Budget, the director of the Senate
 2623 Budget and Evaluation Office, and the director of the House Budget and Research Office.

2624 8-2-145.

2625 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
 2626 succeed to all rules, regulations, policies, procedures, and pending and finalized
 2627 administrative orders of the Safety Fire Commissioner under this part which are in effect
 2628 on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall remain in
 2629 effect until amended, repealed, superseded, or nullified by the board.

2630 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 2631 authorizations previously issued by the Safety Fire Commissioner with respect to any
 2632 function transferred to the Department of Fire Safety shall continue in effect until the same
 2633 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 2634 provided by law.

2635 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
 2636 out all of the functions and obligations and exercise all of the powers in this part that were
 2637 formerly held by the Safety Fire Commissioner."

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SECTION 4-3.

Said title is further amended by revising Part 3 of Article 2 of Chapter 2, relating to installation of manufactured homes and mobile homes, as follows:

"Part 3

8-2-160.

As used in this part, the term:

- (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.
- (2) 'Installation' means the construction of a foundation system and the placement or erection of a manufactured home or a mobile home on the foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home.
- (3) 'Installer' means a person responsible for performing an installation and who is required to obtain a license pursuant to the provisions of Code Section 8-2-164.
- (4) 'Manufactured home' means a new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.
- (5) 'Manufacturer' means any person who constructs or assembles manufactured housing.
- (6) 'Mobile home' means a new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and built prior to June 15, 1976.
- (7) 'Person' means an individual, corporation, partnership, association, or any other legal entity, but shall not include a trust or the state or any political subdivision thereof.

2671 8-2-160.1.

2672 The ~~Commissioner~~ commissioner is authorized and empowered to contract or enter into
2673 cooperative agreements with any agency, department, or instrumentality of the United
2674 States as may be necessary to participate in the enforcement of manufactured home
2675 installation standards which may be promulgated pursuant to the National Manufactured
2676 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.;
2677 provided, however, that the Commissioner shall notify the United States Department of
2678 Housing and Urban Development by July 1 of his or her intention to terminate any such
2679 contract or agreement, which termination shall become effective on July 1 of the following
2680 year.

2681 8-2-161.

2682 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2683 cooperative agreements pursuant to his or her authority under Code Section 8-2-160.1, the
2684 ~~Commissioner~~ commissioner may:

2685 (1) Establish rules and procedures for the licensure of installers as provided by Code
2686 Section 8-2-164 and the implementation and collection of an annual license fee, which
2687 shall be \$300.00; and

2688 (2) Establish and publish in print or electronically rules and regulations governing the
2689 installation of manufactured homes and mobile homes to be followed in instances in
2690 which no manufacturer's installation instructions are available. Such rules and
2691 regulations shall be equivalent to usual and ordinary manufacturer's installation
2692 instructions.

2693 8-2-162.

2694 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
2695 cooperative agreements pursuant to his or her authority under Code Section 8-2-160.1, the
2696 ~~Commissioner~~ commissioner has full authority to administer this part and may make,
2697 amend, alter, and repeal general rules and regulations of procedure to carry into effect this
2698 part, to obtain statistical data concerning manufactured homes and mobile homes, and to
2699 prescribe means, methods, and practices to make this part effective. The ~~Commissioner~~
2700 commissioner may also make such investigations of consumer complaints relating to
2701 installations as in his or her judgment are necessary to enforce and administer this part.

2702 8-2-163.

2703 It shall be unlawful for any person to perform an installation of a manufactured home or
 2704 a mobile home, without regard to whether such person receives compensation for such
 2705 action, except as provided in this part.

2706 8-2-164.

2707 During such time as the ~~Commissioner~~ commissioner has contracted or entered into
 2708 cooperative agreements pursuant to his or her authority under Code Section 8-2-160.1:

2709 (1) Any installer performing any installation of a manufactured home or a mobile home
 2710 in this state shall first obtain a license from the ~~Commissioner~~ commissioner; provided,
 2711 however, that persons employed by or contracting with a licensed installer to perform
 2712 installations shall not be required to obtain such license; and

2713 (2) In addition to the requirements of paragraph (1) of this Code section, any installer
 2714 performing any installation of any new or pre-owned manufactured or mobile home in
 2715 this state shall first purchase a permit from the Commissioner. The cost of such permit
 2716 shall be \$60.00 for each manufactured or mobile home. Each installer shall provide any
 2717 information required by the ~~Commissioner~~ commissioner to be submitted to obtain a
 2718 permit. A permit shall be attached by the installer to the panel box of each manufactured
 2719 or mobile home upon completion of installation.

2720 8-2-165.

2721 (a) Any installation of a manufactured home or a mobile home in this state shall be
 2722 performed in strict compliance with the applicable manufacturer's installation instructions,
 2723 specifically including, without limitation, correctly installed tie-downs and anchors. In the
 2724 absence of such instructions, installations shall be performed in accordance with the
 2725 applicable rules and regulations adopted by the ~~Commissioner~~ commissioner.

2726 (b) During such time as the ~~Commissioner~~ commissioner has contracted or entered into
 2727 cooperative agreements pursuant to his or her authority under Code Section 8-2-160.1, the
 2728 ~~Commissioner~~ commissioner or his or her agent shall perform random inspections on
 2729 installations performed by each installer each year. The inspections required by this
 2730 subsection shall be independent of any requirements under Subpart I of Part 3282 of the
 2731 Manufactured Home Procedural and Enforcement Regulations of the National
 2732 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 2733 5401, et seq.

2734 8-2-166.

2735 Any person determined by the ~~Commissioner~~ commissioner to be in violation of this part
 2736 may be penalized by a fine of not more than \$500.00 for each such violation, and by the
 2737 suspension or revocation of licensure. Multiple violations of this part occurring in a single
 2738 installation shall constitute one violation. Each installation performed in violation of this
 2739 part shall constitute a separate violation. In addition to any penalty imposed by the
 2740 ~~Commissioner~~ commissioner, any person convicted of a violation of this part shall be
 2741 guilty of and may be punished as for a misdemeanor.

2742 8-2-167.

2743 No political subdivision may adopt or enforce any requirement not consistent with this part.

2744 8-2-168.

2745 (a) The adoption of rules and conduct of hearings under this part shall be in compliance
 2746 with the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 2747 (b) The ~~Commissioner~~ commissioner is authorized to provide by regulation the manner
 2748 in which he or she will conduct presentations of views during his or her participation as the
 2749 state administrative agency as required by the National Manufactured Housing
 2750 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

2751 8-2-169.

2752 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
 2753 succeed to all rules, regulations, policies, procedures, and pending and finalized
 2754 administrative orders of the Safety Fire Commissioner under this part which are in effect
 2755 on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall remain in
 2756 effect until amended, repealed, superseded, or nullified by the Board of Fire Safety.

2757 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 2758 authorizations previously issued by the Safety Fire Commissioner with respect to any
 2759 function transferred to the Department of Fire Safety shall continue in effect until the same
 2760 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 2761 provided by law.

2762 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
 2763 out all of the functions and obligations and exercise all of the powers in this part that were
 2764 formerly held by the Safety Fire Commissioner."

2765 **PART V**

2766 **SECTION 5-1.**

2767 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
2768 trade practices, is amended by revising Article 10, relating to sale and storage of liquefied
2769 petroleum gas, as follows:

2770 "ARTICLE 10

2771 10-1-260.

2772 This article shall be known and may be cited as the 'Liquefied Petroleum Safety Act of
2773 Georgia.'

2774 10-1-261.

2775 The General Assembly of Georgia finds, determines, and declares that this article is
2776 necessary for the immediate preservation of the public peace, health, and safety.

2777 10-1-262.

2778 As used in this article, the term 'liquefied petroleum gas' means any material which is
2779 composed predominantly of any of the following hydrocarbons or mixtures of the same:
2780 propane, propylene, butanes (normal butane or isobutane), and butylenes.

2781 10-1-263.

2782 The state fire marshal, ex officio, shall be designated as the officer charged with the duty
2783 and authority of enforcing this article, subject to the approval of the commissioner of fire
2784 safety.

2785 10-1-264.

2786 The state fire marshal, subject to the approval of the commissioner of fire safety, is
2787 authorized to appoint and employ such assistants and employees, fix their salaries, and
2788 assign and delegate such duties and responsibilities as he or she may deem necessary to
2789 carry out this article in an efficient manner.

2790 10-1-265.

2791 (a) ~~The state fire marshal~~ commissioner of fire safety shall make, promulgate, adopt, and
2792 enforce rules and regulations setting forth minimum general standards covering the design,
2793 construction, location, installation, and operation of equipment for storing, handling,

2794 transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases and
2795 specifying the odorization of said gases and the degree thereof. Said rules and regulations
2796 shall be such as are reasonably necessary for the protection of the health, welfare, and
2797 safety of the public and persons using such materials and shall be based upon reasonable
2798 substantial conformity with the generally accepted standards of safety concerning the same
2799 subject matter.

2800 (b) Rules and regulations promulgated by the ~~state fire marshal~~ commissioner of fire safety
2801 based upon reasonable substantial conformity with the published standards of the National
2802 Board of Fire Underwriters for the design, installation, and construction of containers and
2803 pertinent equipment for the storage and handling of liquefied petroleum gases as
2804 recommended by the National Fire Protection Association shall be deemed to be in
2805 substantial conformity with the generally accepted standards of safety concerning the
2806 subject matter.

2807 10-1-266.

2808 The state fire marshal is authorized and empowered to issue a license or permit to such
2809 person, firm, or corporation qualifying under the terms of this article and such rules and
2810 regulations as may be adopted by the state fire marshal. For such license or permit issued
2811 on or after July 1, 1990, a one-time fee of not less than \$100.00 nor more than \$500.00
2812 shall be charged on a graduated capacity scale for each installation of such person, firm,
2813 or corporation doing business in Georgia. All fees, assessments, and collections made by
2814 the state fire marshal shall be paid into the general fund of the state treasury. The license
2815 or permit of any licensee or permittee who had paid an annual license or permit fee on or
2816 after January 1, 1990, but prior to July 1, 1990, shall be valid for the remainder of the
2817 period of time covered by such payment and, upon the expiration of such period of time,
2818 the licensee or permittee shall become subject to the one-time fee requirement provided in
2819 this Code section.

2820 10-1-267.

2821 The state fire marshal is authorized and empowered as a prerequisite to a license or permit
2822 to require the applicant for such license or permit to furnish insurance, surety bond, or a
2823 personal bond with security in such amounts and terms as the state fire marshal may deem
2824 advisable and expedient for the protection of the general public and to indemnify for losses
2825 and damages which proximately result from any act of negligence of the principal, his or
2826 her agents, or employees while he or she or they may be engaged in the performance of
2827 duties with reference to the liquefied petroleum business. The state fire marshal is also
2828 authorized to adopt and enforce reasonable rules and regulations governing such insurance

2829 and bonds. Such regulations shall be adopted by the state fire marshal only after a public
2830 hearing thereon.

2831 10-1-268.

2832 (a) Every entity licensed to sell or distribute liquefied petroleum gas in this state shall have
2833 located within the State of Georgia storage capacity for a minimum of 30,000 water gallons
2834 of liquefied petroleum gas, except that entities initially licensed prior to July 1, 1990, may
2835 continue to operate with the previously approved 18,000 gallons minimum storage
2836 capacity. If the 30,000 gallons (water capacity) storage consists of more than one container,
2837 then no storage container used to meet this requirement shall be of a size less than 6,000
2838 gallons (water capacity).

2839 (b) The storage capacity required by subsection (a) of this Code section shall be within
2840 close proximity to the area serviced.

2841 (c) The state fire marshal, in his or her discretion and in accordance with such rules and
2842 regulations as have been or may be duly promulgated and adopted under this article, may
2843 waive the minimum bulk storage facility requirement of subsection (a) of this Code section.

2844 (d) If the storage capacity required by subsection (a) of this Code section is leased or
2845 rented, then such storage capacity must be dedicated to the exclusive use of the lessee and
2846 must include separate piping and loading/unloading facilities.

2847 10-1-269.

2848 The state fire marshal, upon ten days' written notice in the form of a show cause order to
2849 the licensee stating his or her contemplated action and in general the grounds therefor and
2850 after giving the licensee a reasonable opportunity to be heard, subject to the right to review
2851 provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' may, by
2852 order in writing, suspend or revoke any license issued under this article or, in lieu thereof,
2853 may assess a penalty against said licensee in an amount not to exceed \$1,000.00, if the state
2854 fire marshal shall find:

2855 (1) That the licensee has failed to pay the license fee or any fee required under this article
2856 or any penalty imposed under the article; or

2857 (2) That the licensee knowingly has violated any of the provisions of this article or any
2858 of the rules and regulations promulgated under this article; provided, however, that any
2859 such suspension or revocation or imposition of penalty shall not become final, pending
2860 and subject to the right of review provided in Chapter 13 of Title 50, but the court shall
2861 have and is granted power to enter such order as justice shall require pending hearing on
2862 the appeal; and provided, further, that the court upon the appeal may tax the cost,
2863 including the cost of the hearing before the state fire marshal, against the losing party.

2864 10-1-270.

2865 No municipality or other political subdivision of this state shall adopt or enforce any
2866 ordinance, rule, or regulation in conflict with this article or with the rules and regulations
2867 adopted and promulgated by the state fire marshal under the terms and authority of this
2868 article.

2869 10-1-271.

2870 The state fire marshal is authorized to enter into reciprocal agreements with another state
2871 to effectuate the purposes of this article.

2872 10-1-272.

2873 Any person, firm, association, or corporation violating this article or any of the rules and
2874 regulations of the state fire marshal made under this article shall be guilty of a
2875 misdemeanor.

2876 10-1-273.

2877 (a) The Board of Fire Safety, the commissioner of fire safety, and the Department of Fire
2878 Safety shall succeed to all rules, regulations, policies, procedures, and pending and
2879 finalized administrative orders of the state fire marshal under this article which are in effect
2880 on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall remain in
2881 effect until amended, repealed, superseded, or nullified by the Board of Fire Safety.

2882 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
2883 authorizations previously issued by the state fire marshal with respect to any function
2884 transferred to the Department of Fire Safety shall continue in effect until the same expire
2885 by their terms unless they are suspended, revoked, or otherwise made ineffective as
2886 provided by law.

2887 (c) Effective July 1, 2019, the Department of Fire Safety shall carry out all of the functions
2888 and obligations and exercise all of the powers in this article that were formerly held by the
2889 state fire marshal."

2890 **PART VI**
2891 **SECTION 6-1.**

2892 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
2893 amended by revising paragraph (2) of Code Section 16-7-80, relating to definitions regarding
2894 bombs, explosives, and chemical and biological weapons, as follows:

2895 "(2) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety."

2896

SECTION 6-2.

2897

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

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"16-7-90.

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

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

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

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SECTION 6-3.

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

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2912

"16-7-91.

2913

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

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(1) Any person licensed pursuant to Title 25 to manufacture, possess, transport, sell, distribute, or use a destructive device or detonator within the state;

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(2) Any person licensed pursuant to Chapter 7 of Title 2 to manufacture, possess, transport, sell, or distribute or use pesticides; or

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(3) Any property where such pesticide, destructive device, or detonator is manufactured, possessed, transported, distributed, or used."

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SECTION 6-4.

2923

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

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2925

"16-7-93.

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

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(1) Any person authorized to manufacture, possess, transport, distribute, or use a destructive device or detonator pursuant to the laws of the United States, as amended, or

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2930 pursuant to Title 25 when such person is acting in accordance with such laws and any
 2931 regulations issued pursuant thereto;

2932 (2) Any person licensed as a blaster by the ~~Commissioner~~ commissioner pursuant to
 2933 Chapter 8 of Title 25, when such blaster is acting in accordance with the laws of the state
 2934 and any regulations promulgated thereunder and any ordinances and regulations of the
 2935 political subdivision or authority of the state where blasting operations are being
 2936 performed;

2937 (3) Fireworks, as defined by Code Section 25-10-1₂, and any person authorized by the
 2938 laws of this state and of the United States to manufacture, possess, distribute, transport,
 2939 store, exhibit, display, or use fireworks;

2940 (4) A law enforcement, fire service, or emergency management agency of this state, any
 2941 agency or authority of a political subdivision of this state, or the United States and any
 2942 employee or authorized agent thereof while in performance of official duties and any law
 2943 enforcement officer, fire official, or emergency management official of the United States
 2944 or any other state while attending training in this state;

2945 (5) The armed forces of the United States or of this state;

2946 (6) Research or educational programs conducted by or on behalf of a college, university,
 2947 or secondary school which have been authorized by the chief executive officer of such
 2948 educational institution or his or her designee and which is conducted in accordance with
 2949 the laws of the United States and of this state;

2950 (7) The use of explosive materials in medicines and medicinal agents in forms prescribed
 2951 by the most recent published edition of the official United States Pharmacopoeia or the
 2952 National Formulary;

2953 (8) Small arms ammunition and reloading components thereof;

2954 (9) Commercially manufactured black powder in quantities not to exceed 50 pounds,
 2955 percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and
 2956 friction primers intended to be used solely for sporting, recreational, or cultural purposes
 2957 in antique firearms or antique devices; or

2958 (10) An explosive which is lawfully possessed in accordance with the rules adopted
 2959 pursuant to Code Section 16-7-94."

2960 **PART VII**

2961 **SECTION 7-1.**

2962 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 2963 amended by revising Code Section 25-8-2, relating to definitions regarding the regulation of
 2964 blasting operations generally, as follows:

2965 "25-8-2.

2966 As used in this chapter, the term:

2967 (1) 'Blaster' means a person qualified by reason of training, knowledge, or experience to
 2968 fire or detonate explosives in blasting operations and who has in his or her possession a
 2969 valid blaster's license issued by the ~~Commissioner~~ commissioner.

2970 (2) 'Blasting operation' means the use of explosives in the blasting of stone, rock, ore, or
 2971 any other natural formation or in any construction or demolition work but shall not
 2972 include the use of explosives in agricultural operations and private and personal use of
 2973 explosives in remote areas for such operations as ditching, land clearing, destruction of
 2974 beaver dams and other such operations when not in close proximity to adjacent property.
 2975 This chapter shall not apply to any blasting operation in which the charge weight is 200
 2976 pounds or less.

2977 (3) 'Charge weight' means the total weight in pounds of an explosive charge.

2978 (4) 'Charge weight per delay' means the weight in pounds of an explosive charge which
 2979 is detonated per delay period for delay intervals of eight milliseconds or greater or the
 2980 total weight of explosives in pounds which is detonated within an interval less than eight
 2981 milliseconds.

2982 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

2983 (6) 'Delay initiation' means the detonation of the subcharge of explosives in
 2984 predetermined sequence which is accomplished by using regular or short period delay
 2985 electric blasting caps or other means of equivalent effectiveness.

2986 (7) 'Delay period' means the time interval in milliseconds (eight milliseconds or greater)
 2987 between successive detonations of subchargers produced by the delay devices used.

2988 (8) 'Distance' means the actual distance in feet along ground contour to the nearest house,
 2989 public building, school, church, or commercial or institutional building normally
 2990 occupied.

2991 (9) 'Explosives' means any chemical compound or other substance or mechanical system
 2992 intended for the purpose of producing an explosion or containing oxidizing and
 2993 combustible units or other ingredients in such proportions or quantities that ignition by
 2994 fire, by friction, by concussion, by percussion, or by detonator may produce an explosion
 2995 capable of causing injury to persons or damage to property.

2996 (10) 'Particle velocity' means the velocity with which an earth particle moves when
 2997 vibrating or oscillating in any manner from its position of rest or elastic equilibrium.

2998 (11) 'Person' means any individual, public or private corporation, political subdivision,
 2999 government agency, municipality, industry, partnership, association, firm, trust, estate,
 3000 or other entity whatsoever.

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

This means:

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

$$\text{Scaled distance} = \frac{\text{Actual distance}}{\sqrt{\text{charge weight per delay interval}}}$$

SECTION 7-2.

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

"25-8-3.

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

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

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

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

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

3038 (f) When blasting operations, other than those conducted at a fixed site as a part of any
 3039 industry or business operated at the site, are to be conducted within close proximity to a
 3040 known pipeline, the blaster or person in charge of the blasting operations shall take
 3041 reasonable precautionary measures for the protection of the line and shall notify the owner
 3042 of the line or his or her agent that the blastings are intended.

3043 (g) Blasting operations shall not be conducted within close proximity to any public
 3044 highway unless reasonable precautionary measures are taken to safeguard the public.

3045 (h) When blasting operations are conducted at the immediate location of any dwelling
 3046 house, public building, school, church, or commercial or institutional building which would
 3047 result in ground vibrations having a particle velocity exceeding the limits provided by this
 3048 chapter, such blasting operations may proceed after the receipt of written consent from the
 3049 property owner or owners affected."

3050 SECTION 7-3.

3051 Said title is further amended by revising Code Section 25-8-7, relating to refusal, suspension,
 3052 or revocation of license, as follows:

3053 "25-8-7.

3054 Issuance of a license for the use of explosives may be refused or such a license which has
 3055 been duly issued may be suspended or revoked or the renewal thereof refused by the
 3056 ~~Commissioner~~ commissioner if the ~~Commissioner~~ commissioner finds that the applicant
 3057 for or the holder of the license:

- 3058 (1) Has violated any provision of this chapter or of any other law of this state or any
 3059 regulation duly promulgated by the ~~Commissioner~~ commissioner;
- 3060 (2) Has intentionally misrepresented or concealed any material fact in the application for
 3061 the license or any document filed in support thereof;
- 3062 (3) Has permitted any person in his or her employ, either by direct instruction or by
 3063 reasonable implication, to violate this chapter;
- 3064 (4) Has been convicted of a felony by final judgment in any state or federal court;
- 3065 (5) Has failed to comply with or has violated any proper order, rule, or regulation issued
 3066 by the ~~Commissioner~~ commissioner; or
- 3067 (6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a
 3068 blaster."

3069 SECTION 7-4.

3070 Said title is further amended by revising Code Section 25-8-9, relating to promulgation of
 3071 rules and regulations by Commissioner and forms, as follows:

3072 "25-8-9.

3073 The ~~Commissioner~~ commissioner may promulgate such rules and regulations, neither
 3074 inconsistent nor contradictory with this chapter, as he or she deems necessary to effectuate
 3075 this chapter. The ~~Commissioner~~ commissioner may also prescribe the forms required for
 3076 the administration of this chapter."

3077 **SECTION 7-5.**

3078 Said title is further amended by revising Code Section 25-8-10, relating to approval by
 3079 Commissioner of variations from requirements of chapter, as follows:

3080 "25-8-10.

3081 The ~~Commissioner~~ commissioner may approve variations from the requirements of this
 3082 chapter when he or she finds that an emergency exists and that the proposed variations
 3083 from the specific requirements are necessary, will not hinder the effective administration
 3084 of this chapter, and will not be contrary to any other applicable law, either state or federal."

3085 **SECTION 7-6.**

3086 Said title is further amended by revising Code Section 25-8-11, relating to powers of
 3087 Commissioner for enforcement of chapter, rules, and regulations generally and privileged
 3088 nature of evidence submitted to Commissioner, as follows:

3089 "25-8-11.

3090 (a) Whenever it appears to the ~~Commissioner~~ commissioner, either upon investigation or
 3091 otherwise, that any person has engaged in, is engaging in, or is about to engage in any act,
 3092 practice, or transaction which is prohibited by this chapter or by any rule, regulation, or
 3093 order of the ~~Commissioner~~ commissioner promulgated or issued pursuant to this chapter
 3094 or which is declared to be unlawful under this chapter, the ~~Commissioner~~ commissioner,
 3095 in his or her discretion and if he or she deems it to be appropriate in the public interest or
 3096 for the protection of the citizens of this state, may issue an order prohibiting the person
 3097 from continuing the act, practice, or transaction.

3098 (b) Other powers granted to the ~~Commissioner~~ commissioner for the enforcement of this
 3099 chapter include, but are not limited to, the following:

3100 (1) The ~~Commissioner~~ commissioner may institute actions or other legal proceedings in
 3101 any superior court of proper venue. Thereupon, the superior court, among other
 3102 appropriate relief, may issue injunctions restraining persons and those acting in active
 3103 concert with them from engaging in acts prohibited by the ~~Commissioner~~ commissioner
 3104 in the enforcement of this chapter;

3105 (2) In addition to any other penalties provided in this chapter, the ~~Commissioner~~
 3106 commissioner shall have authority to place a licensee on probation for a period of time

3107 not to exceed one year or to impose a monetary fine of up to \$1,000.00, or to do both, for
 3108 each and every violation of this chapter or of the rules and regulations or orders of the
 3109 ~~Commissioner~~ commissioner promulgated pursuant thereto; and

3110 (3) The ~~Commissioner~~ commissioner or his or her designee shall have investigatorial
 3111 powers and shall be empowered to subpoena witnesses and to examine them under oath.

3112 (c) All testimony, documents, and other evidence required to be submitted to the
 3113 ~~Commissioner~~ commissioner pursuant to this chapter shall be privileged."

3114 SECTION 7-7.

3115 Said title is further amended by revising Code Section 25-8-12, relating to penalties for
 3116 violations of chapter, rules, regulations, or orders, and by adding a new Code section to read
 3117 as follows:

3118 "25-8-12.

3119 Any person who violates this chapter or any rule, regulation, or order promulgated by the
 3120 ~~Commissioner~~ commissioner pursuant to this chapter shall be guilty of a misdemeanor and,
 3121 upon conviction thereof, shall be punished by a fine of not less than \$500.00 and not more
 3122 than \$1,000.00.

3123 25-8-13.

3124 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
 3125 succeed to all rules, regulations, policies, procedures, and pending and finalized
 3126 administrative orders of the Safety Fire Commissioner under this chapter which are in
 3127 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
 3128 remain in effect until amended, repealed, superseded, or nullified by the board.

3129 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 3130 authorizations previously issued by the Safety Fire Commissioner with respect to any
 3131 function transferred to the Department of Fire Safety shall continue in effect until the same
 3132 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 3133 provided by law.

3134 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
 3135 out all of the functions and obligations and exercise all of the powers formerly held by the
 3136 Safety Fire Commissioner under this chapter."

PART VIII
SECTION 8-1.

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

"CHAPTER 10

25-10-1.

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

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

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

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

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

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

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

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

3169 ~~(6)~~(8) 'NFPA 1124' means the National Fire Protection Association Standard 1124, *Code*
 3170 *for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and*
 3171 *Pyrotechnic Articles*, 2006 Edition.

3172 ~~(7)~~(9) 'Nonprofit group' means any entity exempt from taxation under Section 501(c)(3)
 3173 of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title
 3174 14, the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or
 3175 private elementary or secondary school in this state.

3176 ~~(8)~~(10) 'Proximate audience' means an audience closer to pyrotechnic devices than
 3177 permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks*
 3178 *Display*, as adopted by the ~~Safety Fire Commissioner~~ commissioner.

3179 ~~(9)~~(11) 'Pyrotechnics' means fireworks.

3180 ~~(10)~~(12) 'Store' shall have the same meaning as provided for by NFPA 1124; provided,
 3181 however, that such term shall only include such buildings with at least 4,000 square feet
 3182 of retail display space and wherefrom:

3183 (A) No more than 25 percent of such retail display space is used for consumer
 3184 fireworks and items or products as provided for under paragraph (2) of subsection (b)
 3185 of this Code section; and

3186 (B) Other items or products which are not consumer fireworks or items or products as
 3187 provided for under paragraph (2) of subsection (b) of this Code section are sold;
 3188 and provided, further, that such term means a person, firm, corporation, association, or
 3189 partnership with more than one mercantile location, where all such mercantile locations
 3190 are collectively known to the public by the same name or share central management.

3191 ~~(11)~~(13) 'Waste-water treatment plant' shall have the same meaning as provided for in
 3192 Code Section 43-51-2.

3193 ~~(12)~~(14) 'Water treatment plant' shall have the same meaning as provided for in Code
 3194 Section 43-51-2.

3195 (b) As used in this chapter, the term 'consumer fireworks' or 'fireworks' shall not include:

3196 (1) Model rockets and model rocket engines designed, sold, and used for the purpose of
 3197 propelling recoverable aero models, toy pistol paper caps in which the explosive content
 3198 averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy
 3199 cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term
 3200 'consumer fireworks' or 'fireworks' include ammunition consumed by weapons used for
 3201 sporting and hunting purposes; and

3202 (2) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling
 3203 items which are nonexplosive and nonaerial and contain 75 grams or less of chemical
 3204 compound per tube or a total of 500 grams or less for multiple tubes; snake and glow
 3205 worms; smoke devices; or trick noise makers which include paper streamers, party

3206 poppers, string poppers, snappers, and drop pops each consisting of 0.25 grains or less
3207 of explosive mixture.

3208 25-10-2.

3209 (a) It shall be unlawful for any person, firm, corporation, association, or partnership to
3210 offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess,
3211 manufacture, transport, or store any consumer fireworks or fireworks, except as otherwise
3212 provided in this chapter.

3213 (b)(1) Notwithstanding any provision of this chapter to the contrary, it shall be unlawful
3214 for any person, firm, corporation, association, or partnership to sell consumer fireworks
3215 or any items defined in paragraph (2) of subsection (b) of Code Section 25-10-1 to any
3216 person under 18 years of age.

3217 (2) It shall be unlawful to sell consumer fireworks or any items defined in paragraph (2)
3218 of subsection (b) of Code Section 25-10-1 to any person by any means other than an
3219 in-person, face-to-face sale. Such person shall provide proper identification to the seller
3220 at the time of such purchase. For purposes of this paragraph, the term 'proper
3221 identification' means any document issued by a governmental agency containing a
3222 description of the person or such person's photograph, or both, and giving such person's
3223 date of birth and includes without being limited to a passport, military identification card,
3224 driver's license, or identification card authorized under Code Sections 40-5-100 through
3225 40-5-104.

3226 (3)(A) It shall be unlawful to use fireworks, consumer fireworks, or any items defined
3227 in paragraph (2) of subsection (b) of Code Section 25-10-1 indoors or within the right
3228 of way of a public road, street, highway, or railroad of this state.

3229 (B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject to
3230 paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for any
3231 person, firm, corporation, association, or partnership to use or ignite or cause to be
3232 ignited any consumer fireworks:

3233 (i) On any day beginning at the time of 10:00 A.M. and up to and including the
3234 ending time of 9:00 P.M.;

3235 (ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59
3236 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county
3237 or municipal corporation of the location in which such use or ignition occurs, except
3238 as otherwise provided for under this subparagraph; provided, however, that a county
3239 or municipal corporation may additionally require the issuance of a special use permit
3240 pursuant to subparagraph (D) of this paragraph for use or ignition;

3241 (iii) On January 1, July 3, July 4, and December 31 of each year after the time of 9:00
3242 P.M. and up to and including the time of 11:59 P.M.; and

3243 (iv) On January 1 of each year beginning at the time of 12:00 Midnight and up to and
3244 including the ending time of 1:00 A.M.

3245 (C) Subject to subparagraph (D) of this paragraph, paragraph (4) of this subsection, and
3246 Code Section 25-10-2.1, it shall be lawful for any person, firm, corporation, association,
3247 or partnership to use or ignite or cause to be ignited any consumer fireworks anywhere
3248 in this state except:

3249 (i) As provided for under subparagraph (A) of this paragraph;

3250 (ii) In any location where such person, firm, corporation, association, or partnership
3251 is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause
3252 to be ignited any consumer fireworks;

3253 (iii) Within 100 yards of an electric plant; water treatment plant; waste-water
3254 treatment plant; a facility engaged in the retail sale of gasoline or other flammable or
3255 combustible liquids or gases where the volume stored is in excess of 500 gallons for
3256 the purpose of retail sale; a facility engaged in the production, refining, processing,
3257 or blending of any flammable or combustible liquids or gases for retail purposes; any
3258 public or private electric substation; or a jail or prison;

3259 (iv) Within 100 yards of the boundaries of any public use air facility provided for
3260 under Title 6 or any public use landing area or platform marked and designed for
3261 landing use by helicopters;

3262 (v) Within any park, historic site, recreational area, or other property which is owned
3263 by or operated by, for, or under the custody and control of a governing authority of
3264 a county or municipal corporation, except pursuant to a special use permit as provided
3265 for in subparagraph (D) of this paragraph;

3266 (vi) Within any park, historic site, recreational area, or other property which is owned
3267 by or operated by, for, or under the custody and control of the State of Georgia,
3268 except pursuant to any rules and regulations of the agency or department having
3269 control of such property which may allow for such use or ignition of consumer
3270 fireworks;

3271 (vii) Within 100 yards of a hospital, nursing home, or other health care facility
3272 regulated under Chapter 7 of Title 31; provided, however, that an owner or operator
3273 of such facility may use or ignite or cause to be ignited consumer fireworks on the
3274 property of such facility or may grant written permission to any person, firm,
3275 corporation, association, or partnership to use or ignite or cause to be ignited
3276 consumer fireworks on the property of such facility; or

3277 (viii) While under the influence of alcohol or any drug or any combination of alcohol
3278 and any drug to the extent that it is less safe or unlawful for such person to ignite
3279 consumer fireworks as provided for in Code Section 25-10-2.1.

3280 (D) Any person, firm, corporation, association, or partnership may use or ignite or
3281 cause to be ignited any consumer fireworks as provided for under divisions (3)(B)(ii)
3282 and (3)(C)(v) of this subsection if such person, firm, corporation, association, or
3283 partnership is issued a special use permit pursuant to the law of a governing authority
3284 of a county or municipal corporation for the use or ignition of consumer fireworks in
3285 a location within such county or municipality as provided for under divisions (3)(B)(ii)
3286 and (3)(C)(v) of this subsection, provided that such special use permit is required for
3287 such use or ignition. Such special use permit shall designate the time or times and
3288 location that such person, firm, corporation, association, or partnership may use or
3289 ignite or cause to be ignited such consumer fireworks. A fee assessed by a county or
3290 municipal corporation for the issuance of a special use permit pursuant to this
3291 subparagraph shall not exceed \$100.00. No governing authority or official of a county,
3292 municipality, or other political subdivision shall bear liability for any decisions made
3293 pursuant to this Code section.

3294 (E) Whenever the Governor issues a declaration of drought, the Governor may, for the
3295 boundaries of the area covered by such declaration, enact further regulations and
3296 restrictions concerning the use of consumer fireworks than provided for under this
3297 chapter; provided, however, that no such further regulations or restrictions on the use
3298 of consumer fireworks shall be effective pursuant to this subparagraph on January 1,
3299 July 3, July 4, or December 31 of any year; provided, further, that such further
3300 regulations or restrictions shall only apply to the exact boundaries of the area covered
3301 by such declaration and shall only apply with regard to the ignition of consumer
3302 fireworks; and provided, further, that upon expiration or conclusion of such declaration,
3303 such further regulations or restrictions shall be rescinded by law.

3304 (4)(A) It shall be lawful for any person 18 years of age or older to use or ignite or
3305 cause to be ignited or to possess, manufacture, transport, or store consumer fireworks.

3306 (B) To the extent otherwise permitted by law, it shall be lawful for any person who is
3307 16 or 17 years of age to possess or transport consumer fireworks, provided that such
3308 person is serving as an assistant to a distributor licensed under subsection (c) of Code
3309 Section 25-10-5.1 or the nonprofit group benefiting from such distributor's application
3310 pursuant to subsection (c) of Code Section 25-10-5.1 and is not transporting such
3311 consumer fireworks on a highway which constitutes a part of The Dwight D.
3312 Eisenhower System of Interstate and Defense Highways.

3313 (5)(A) It shall be lawful for any person 18 years of age or older to sell or to offer for
 3314 sale at retail or wholesale any consumer fireworks pursuant to the requirements of this
 3315 chapter.

3316 (B) It shall be lawful for any person who is 16 or 17 years of age to sell or to offer for
 3317 sale at retail or wholesale any consumer fireworks, provided that such person is serving
 3318 as an assistant to a distributor licensed under subsection (c) of Code Section 25-10-5.1
 3319 or the nonprofit group benefiting from such distributor's application pursuant to
 3320 subsection (c) of Code Section 25-10-5.1.

3321 (6)(A) It shall be lawful to sell consumer fireworks from a permanent consumer
 3322 fireworks retail sales facility or store only if such permanent consumer fireworks retail
 3323 sales facility or store is:

3324 (i) In compliance with the requirements for such a permanent consumer fireworks
 3325 retail sales facility or store in the selling of consumer fireworks as provided for in
 3326 NFPA 1124; and

3327 (ii) Selling consumer fireworks of a distributor licensed pursuant to subsection (b)
 3328 or (d) of Code Section 25-10-5.1.

3329 (B) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks
 3330 retail sales stand only if such temporary consumer fireworks retail sales stand is:

3331 (i) In compliance with the requirements for such a temporary consumer fireworks
 3332 retail sales stand in the selling of consumer fireworks as provided for in NFPA 1124;

3333 (ii) Within 1,000 feet of a fire hydrant of a county, municipality, or other political
 3334 subdivision or a fire department connection of a building affiliated with such
 3335 consumer fireworks retail sales stand, unless the chief administrative officer of the
 3336 fire department of a county, municipality, or other political subdivision or chartered
 3337 fire department legally organized to operate in this state pursuant to Chapter 3 of this
 3338 title and having operational authority over such location of the temporary consumer
 3339 fireworks retail sales stand provides in writing that such temporary consumer
 3340 fireworks retail sales stand may operate in excess of 1,000 feet from such fire hydrant
 3341 or fire department connection; and

3342 (iii) Selling consumer fireworks of a distributor licensed pursuant to subsection (c)
 3343 of Code Section 25-10-5.1.

3344 A distributor licensed pursuant to subsection (c) of Code Section 25-10-5.1 may operate
 3345 no more than two temporary consumer fireworks retail sales stands in this state per
 3346 location licensed pursuant to subsection (b) or (d) of Code Section 25-10-5.1; provided,
 3347 however, that such distributor has been operating and open to the public pursuant to
 3348 subsection (b) or (d) of Code Section 25-10-5.1 no less than 30 days prior to July 4 or

3349 December 31 in the year of an application for a license under subsection (c) of Code
3350 Section 25-10-5.1 that is filed within 30 days of July 4 or December 31.

3351 (C) It shall be unlawful to sell consumer fireworks from any motor vehicle, from a
3352 trailer towed by a motor vehicle, or from a tent, canopy, or membrane structure.

3353 25-10-2.1.

3354 (a) It shall be unlawful for any person to ignite consumer fireworks or fireworks while:

3355 (1) Under the influence of alcohol or any drug or any combination of alcohol and any
3356 drug to the extent that it is unsafe for such person to ignite consumer fireworks or
3357 fireworks; or

3358 (2) Subject to the provisions of subsection (b) of this Code section, there is any amount
3359 of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in
3360 such person's blood or urine, or both, including the metabolites and derivatives of each
3361 or both, without regard to whether or not any alcohol is present in such person's breath
3362 or blood.

3363 (b) The fact that any person charged with violating this Code section is or has been legally
3364 entitled to use a drug shall not constitute a defense against any charge of violating this
3365 Code section; provided, however, that such person shall not be in violation of this Code
3366 section unless such person is rendered incapable of igniting consumer fireworks or
3367 fireworks safely as a result of using a drug other than alcohol which such person is legally
3368 entitled to use.

3369 (c) Any person convicted of violating subsection (a) of this Code section shall be guilty
3370 of a misdemeanor.

3371 25-10-3.

3372 Nothing in this chapter shall be construed to prohibit the following:

3373 (1) The wholesale or retail sale of fireworks for use in a public exhibition or public
3374 display and the transportation of fireworks for such use, provided that any person selling
3375 at wholesale or retail or transporting fireworks for such use must have a duplicate copy
3376 of the permit which has been issued by the judge of the probate court to a person, firm,
3377 corporation, association, or partnership which has been authorized to hold a public
3378 exhibition or display, and provided, further, that the seller maintains and makes available
3379 for inspection by the ~~Safety Fire Commissioner~~ commissioner or the designee thereof the
3380 record of any such fireworks sale for a period of 18 months from the date of sale;

3381 (2) Use by railroads or other transportation agencies of fireworks specifically designed
3382 and intended for signal purposes or illumination;

3383 (3) The sale or use of blank cartridges for a show or theater or for signal or ceremonial
 3384 purposes in athletic or sports events or for use by military or police organizations; or
 3385 (4) The manufacture of any fireworks not prohibited by Congress or any federal agency;
 3386 the possession, transportation, and storage of any such fireworks by any manufacturer
 3387 thereof; the storage of certain such fireworks by a nonmanufacturer in accordance with
 3388 the provisions of Code Section 25-10-3.1; the possession, transportation, or distribution
 3389 of any such fireworks to a distributor located outside this state; the sale of such fireworks
 3390 by any such manufacturer to a distributor located outside this state; or the possession and
 3391 transportation of such fireworks by any manufacturer or contractor or common carrier
 3392 from the point of manufacture within this state to any point outside this state.

3393 25-10-3.1.

3394 (a) Fireworks defined as Class B explosives or the equivalent thereof by regulations of the
 3395 United States Department of Transportation set forth in Part 173 of Title 49 of the Code of
 3396 Federal Regulations and which are to be used only for purposes of a public exhibition or
 3397 display pursuant to Code Section 25-10-4 may be stored by a person, firm, or corporation,
 3398 other than a manufacturer, pursuant to a magazine license issued by the ~~Safety Fire~~
 3399 ~~Commissioner~~ commissioner in accordance with the provisions of this Code section. Any
 3400 application for such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner
 3401 in a form to be prescribed by the ~~Commissioner~~ commissioner. The application shall
 3402 include a letter of acknowledgment and endorsement from the local authority having
 3403 responsibility for fire suppression.

3404 (b) Any application for a magazine license made pursuant to subsection (a) of this Code
 3405 section shall be accompanied by plans for the magazine proposed to be used for storage of
 3406 Class B explosives or the equivalent thereof, in such detail and in such number of copies
 3407 as required by the ~~Safety Fire Commissioner~~ commissioner. Construction of a magazine
 3408 for storage of fireworks pursuant to this Code section shall not commence until the plans
 3409 therefor have been approved by the state fire marshal and returned to the applicant.

3410 (c) No license shall be issued pursuant to this Code section unless:

3411 (1) The applicant currently holds a valid license or permit to receive explosive materials
 3412 including Class B explosives or the equivalent thereof issued pursuant to regulations of
 3413 the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the
 3414 Treasury;

3415 (2) The applicant presents a copy of a valid permit for a public exhibition or display of
 3416 fireworks issued pursuant to Code Section 25-10-4;

3417 (3) The state fire marshal or the designee thereof has determined upon inspection that the
 3418 constructed magazine meets or exceeds the requirements for magazines to be used for

3419 storing Class B explosives or the equivalent thereof as established by regulations and
3420 adopted codes and standards of the ~~Safety Fire Commissioner~~ commissioner; and

3421 (4) The state fire marshal or the designee thereof has determined upon inspection that the
3422 constructed magazine meets or exceeds any additional requirements applicable to
3423 magazines to be used for storage of Class B explosives or the equivalent thereof by
3424 nonmanufacturers as may be established by regulation promulgated pursuant to Code
3425 Section 25-10-5.

3426 (d) Any license issued pursuant to this Code section shall be subject to the annual license
3427 fee and expiration date provisions of Code Section 25-10-5. The initial annual fee for a
3428 magazine license shall be submitted along with the application for such license.

3429 (e) Any fireworks stored under any magazine license issued pursuant to this Code section
3430 shall be stored in an approved magazine and in accordance with the regulations for storing
3431 Class B explosives or the equivalent thereof as established by regulations of the ~~Safety Fire~~
3432 ~~Commissioner~~ commissioner and any additional requirements for storage of such
3433 explosives by nonmanufacturers as may be established by regulation promulgated pursuant
3434 to Code Section 25-10-5, for a period of time not to exceed 60 days before and 60 days
3435 after the permitted date of a public exhibition or display of fireworks pursuant to Code
3436 Section 25-10-4.

3437 (f) Any violation of the provisions of this Code section shall be grounds for revoking a
3438 magazine license.

3439 25-10-3.2.

3440 (a) No person, firm, corporation, association, or partnership shall cause the combustion,
3441 explosion, deflagration, detonation, or ignition of pyrotechnics for the purpose of a public
3442 exhibition or display before a proximate audience unless such person, firm, corporation,
3443 association, or partnership holds a valid license issued by the ~~Safety Fire Commissioner~~
3444 commissioner in accordance with the provisions of this Code section. Any application for
3445 such a license shall be made to the ~~Safety Fire Commissioner~~ commissioner in the form
3446 prescribed by the ~~Safety Fire Commissioner~~ commissioner.

3447 (b) All applicants must meet the following requirements for licensure:

3448 (1) The applicant shall submit to the ~~Safety Fire Commissioner~~ commissioner proof of
3449 a valid comprehensive liability insurance policy purchased from an insurer authorized to
3450 do business in Georgia. The coverage must include bodily injury and property damage,
3451 products liability, completed operations, and contractual liability. The proof of insurance
3452 must also be provided before any license can be renewed. The minimum amount of said
3453 coverage shall be \$1 million or such other amount as specified by the ~~Safety Fire~~

3454 ~~Commissioner~~ commissioner. An insurer that provided such coverage shall notify the
 3455 ~~Safety Fire Commissioner~~ commissioner of any change in coverage;

3456 (2) The applicant shall pay the required licensing fee as prescribed in Code Section
 3457 25-10-5; and

3458 (3) The applicant shall comply with all rules and regulations promulgated by the ~~Safety~~
 3459 ~~Fire Commissioner~~ commissioner pursuant to this chapter.

3460 (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to
 3461 conduct pyrotechnic displays.

3462 25-10-4.

3463 (a) Any person, firm, corporation, association, or partnership desiring to conduct a public
 3464 exhibition or display of fireworks not before a proximate audience shall first obtain a
 3465 permit from the judge of the probate court of the county in which the public exhibition or
 3466 display is to be held. Application for a permit must be made in writing and filed with the
 3467 judge not less than ten days prior to the date of the proposed public exhibition or display
 3468 of fireworks. Fireworks distributors located outside this state shall obtain display permit
 3469 application forms and provide the same to applicants upon request. The judge may grant
 3470 a permit for the display on the following conditions:

3471 (1) That the display be conducted by a competent operator approved by the judge;

3472 (2) That the display shall be of such character as in the opinion of the judge will not be
 3473 hazardous to persons or property;

3474 (3) That the local fire official responsible for the area in question certifies in writing that
 3475 the site for the display meets his or her approval and is in compliance with all applicable
 3476 codes; and

3477 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
 3478 payable to the county in which the display is being held and conditioned for the payment
 3479 of damages which may be caused either to persons or to property by reason of the display
 3480 or, alternatively, that the application be accompanied by evidence that the applicant
 3481 carries proper liability insurance for bodily injury in the amount of not less than
 3482 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
 3483 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
 3484 with an insurance company duly licensed by the Commissioner of Insurance.

3485 (b) Any person, firm, corporation, association, or partnership desiring to conduct a public
 3486 exhibition or display of fireworks before a proximate audience shall first obtain a permit
 3487 from the judge of the probate court of the county in which the public exhibition or display
 3488 is to be held. Application for a permit must be made in writing and filed with the judge not
 3489 less than ten days prior to the date of the proposed public exhibition or display of

3490 fireworks. Such application must contain the license number issued by the ~~Safety Fire~~
 3491 ~~Commissioner~~ commissioner for the person, firm, corporation, association, or partnership
 3492 that will cause the combustion, explosion, deflagration, or detonation of pyrotechnics at the
 3493 public exhibition or display. Fireworks distributors located outside this state shall obtain
 3494 display permit application forms and provide the same to applicants upon request. The
 3495 judge may grant a permit for the display on the following conditions:

3496 (1) That the display be conducted by a competent operator approved by the judge;

3497 (2) That the display shall be of such character as in the opinion of the judge will not be
 3498 hazardous to persons or property;

3499 (3) That the local fire official responsible for the area in question certifies in writing that
 3500 the site for the display meets his or her approval and is in compliance with all applicable
 3501 codes; and

3502 (4) That the application be accompanied by a bond in the principal sum of \$10,000.00,
 3503 payable to the county in which the display is being held and conditioned for the payment
 3504 of damages that may be caused either to persons or to property by reason of the display
 3505 or, alternatively, that the application be accompanied by evidence that the applicant
 3506 carries property liability insurance for bodily injury in the amount of not less than
 3507 \$25,000.00 for each person and \$50,000.00 for each accident and for property damage
 3508 in the amount of not less than \$25,000.00 for each accident and \$50,000.00 aggregate,
 3509 with an insurance company duly licensed by the Commissioner of Insurance.

3510 (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be
 3511 granted unless the applicant has met all the requirements of and is in full compliance with
 3512 the rules and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner
 3513 pursuant to this chapter.

3514 (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited
 3515 to the time specified therein, such time not to exceed a two-week period. The permit shall
 3516 not be transferable. In the event any fireworks bought and possessed under this Code
 3517 section are not used by the licensee or in the event that there is a surplus or excess after the
 3518 two-week period expires, it shall be the duty of the licensee to return such fireworks to a
 3519 facility approved in accordance with Code Section 25-10-3.1 and the rules and regulations
 3520 promulgated by the ~~Safety Fire Commissioner~~ commissioner. Fireworks stored in
 3521 accordance with Code Section 25-10-3.1 and regulations shall not be deemed contraband
 3522 and shall not be subject to seizure.

3523 (e) The judge of the probate court shall receive \$10.00 for his or her services in granting
 3524 or refusing the original permit and \$1.00 for each copy issued, to be paid by the applicant.
 3525 The judge of the probate court shall provide the ~~Safety Fire Commissioner~~ commissioner
 3526 a copy of each permit granted prior to the proposed date of the public exhibition or display.

3527 25-10-4.1.

3528 No person under the age of 18 shall be employed to work at any magazine, or at any
3529 facility containing a magazine, wherein fireworks are stored or to work in any public
3530 exhibition or display of fireworks.

3531 25-10-5.

3532 The annual license fee for any person, firm, or corporation conducting business in this state
3533 under paragraph (4) of Code Section 25-10-3 or storing fireworks under Code
3534 Section 25-10-3.1 or conducting pyrotechnic displays under Code Section 25-10-3.2 shall
3535 be \$1,500.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner. The license
3536 shall expire on December 31 of each year. The ~~Safety Fire Commissioner~~ commissioner
3537 is authorized and directed to promulgate safety regulations relating to the manufacture,
3538 storage, and transportation of fireworks within this state in order to ensure the adequate
3539 protection of the employees of any such person, firm, or corporation and of the general
3540 public. The ~~Safety Fire Commissioner~~ commissioner is also authorized and directed to
3541 promulgate safety regulations relating to the public exhibition or display of pyrotechnics
3542 and the licensing requirements of those conducting such public exhibitions or displays, as
3543 he or she deems necessary. The ~~Safety Fire Commissioner~~ commissioner is further
3544 authorized and directed to conduct periodic inspections of the facilities of any person, firm,
3545 or corporation manufacturing, storing, and transporting fireworks as provided in paragraph
3546 (4) of Code Section 25-10-3 or as provided in Code Section 25-10-3.1 in order to ensure
3547 compliance with fire safety rules and regulations.

3548 25-10-5.1.

3549 (a)(1) A license pursuant to this Code section shall only be issued to a distributor that:

3550 (A) Complies with all the requirements of this chapter; and

3551 (B) Maintains at all times public liability and product liability insurance with minimum
3552 coverage limits of \$2 million to cover the losses, damages, or injuries that might ensue
3553 to persons or property as a result of selling consumer fireworks.

3554 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
3555 statement of representation in an application executed pursuant to this Code section shall
3556 be guilty of a violation of Code Section 16-10-20.

3557 (3) Applications to the ~~Safety Fire Commissioner~~ commissioner pursuant to this Code
3558 section shall be upon forms prescribed and promulgated by the ~~Safety Fire Commissioner~~
3559 commissioner.

3560 (4) Any person, firm, corporation, association, or partnership seeking a license pursuant
3561 to subsection (b) or (d) of this Code section shall have property from which the applicant

3562 intends to sell consumer fireworks under such person's, firm's, corporation's,
3563 association's, or partnership's ownership or legal control through a lease, rental
3564 agreement, licensing agreement, or other contractual instrument at the time of filing the
3565 application for such license, and such property shall be in a condition ready for
3566 inspection.

3567 (b)(1) The initial license fee for a distributor selling consumer fireworks from a
3568 permanent consumer fireworks retail sales facility shall be \$1,500.00 per location,
3569 payable to the ~~Safety Fire Commissioner~~ commissioner; provided, however, that the
3570 initial license fee shall be \$5,000.00 for a distributor that is not licensed pursuant to this
3571 subsection prior to July 1, 2016. Upon finding that a distributor has met the requirements
3572 of subsection (a) of this Code section and upon payment of such license fee, such initial
3573 license shall be issued by the ~~Safety Fire Commissioner~~ commissioner and shall identify
3574 the permanent consumer fireworks retail sales facility applicable to such license. Such
3575 initial license shall expire on January 31 of the year after such initial license was issued
3576 or as otherwise provided for under this subsection. After such initial license, such
3577 distributor may annually renew such initial license, which shall then become an annual
3578 license, for \$1,000.00 per year, payable to the ~~Safety Fire Commissioner~~ commissioner.
3579 Upon finding that a distributor has met the requirements of subsection (a) of this Code
3580 section and upon payment of such license fee, such annual license shall be issued by the
3581 ~~Safety Fire Commissioner~~ commissioner and shall identify the permanent consumer
3582 fireworks retail sales facility applicable to such license. Such annual license shall expire
3583 on January 31 of each year or as otherwise provided for under this subsection; provided,
3584 however, that a distributor shall apply for an annual license or renewal of an annual
3585 license by December 1 in the year preceding the expiration date of such initial or annual
3586 license; and provided, further, that if an initial license is issued to a distributor on or after
3587 December 1, then such distributor shall apply for an annual license by the first business
3588 day of the next year.

3589 (2) The determination by the ~~Safety Fire Commissioner~~ commissioner of whether a
3590 distributor has met requirements for the issuance of a license required by this subsection
3591 shall be made within 30 days of the submission of an application for any initial or annual
3592 license; provided, however, that if a license will expire prior to the expiration of such 30
3593 days and no such determination has been made by the ~~Safety Fire Commissioner~~
3594 commissioner, then the expiration date for such license shall be extended until the date
3595 of such determination by the ~~Safety Fire Commissioner~~ commissioner but for no more
3596 than 30 days. If a determination has not been made within the time provided for by this
3597 paragraph, or for an appeal of a determination by the ~~Safety Fire Commissioner~~
3598 commissioner, a distributor may seek review from the judge of the probate court of the

3599 county of the location or proposed location of the permanent consumer fireworks retail
3600 sales facility. Such judge may provide for the issuance or nonissuance of a license and
3601 for the payment of license fees in such manner as is consistent with the provisions of this
3602 subsection.

3603 (c)(1) The license fee for a distributor selling consumer fireworks from a temporary
3604 consumer fireworks retail sales stand shall be \$500.00 per location, payable to the
3605 governing authority of the county, municipality, or other political subdivision of this state
3606 in whose boundaries such temporary consumer fireworks retail sales stand shall be
3607 located or is proposed to be located. Upon finding that a distributor has met the
3608 requirements of subsection (a) of this Code section, has a license pursuant to subsection
3609 (b) or (d) of this Code section, has no more than the allowable temporary consumer
3610 fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of Code Section 25-10-2,
3611 that the sales of consumer fireworks from such temporary consumer fireworks retail sales
3612 stand shall accrue to the benefit of a nonprofit group, and upon payment of such license
3613 fee, such license shall be issued by the fire department of the county, municipality, or
3614 other political subdivision or the chartered fire department legally organized to operate
3615 in this state pursuant to Chapter 3 of this title and having operational authority of the area
3616 in which such temporary consumer fireworks retail sales stand shall be located or is
3617 proposed to be located. Such license shall identify the temporary consumer fireworks
3618 retail sales stand applicable to such license and shall expire on the next January 31 after
3619 the issuance of such license.

3620 (2) A determination by a fire department as provided for under paragraph (1) of this
3621 subsection of whether a distributor has met requirements for the issuance of a license
3622 pursuant to this subsection shall be made within 30 days of the submission of an
3623 application for any such license. Such application shall be in writing and, if such fire
3624 department provides for a written form for the application for a license pursuant to this
3625 Code section, upon such form as may be provided by such fire department. If a
3626 determination has not been made within the time provided for by this paragraph, or for
3627 an appeal of a determination by such fire department, a distributor may seek review from
3628 the judge of the probate court of the county of the location or proposed location of the
3629 temporary consumer fireworks retail sales stand. Such judge may provide for the
3630 issuance or nonissuance of a license and for the payment of license fees in such manner
3631 as is consistent with the provisions of this subsection.

3632 (3) For at least one of the temporary consumer fireworks retail sales stands provided for
3633 under subparagraph (b)(6)(B) of Code Section 25-10-2, a nonprofit group benefiting from
3634 the sale of consumer fireworks from such temporary consumer fireworks retail sales stand
3635 shall directly participate in operating such temporary consumer fireworks retail sales

3636 stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative
3637 of a nonprofit group to knowingly lend the name of the nonprofit group or allow the
3638 identity of the nonprofit group to be used for the license under this subsection if such
3639 nonprofit group is not directly participating in operating, or benefiting from the operation
3640 of, such temporary consumer fireworks retail sales stand.

3641 (4) The governing authority of a county, municipality, or other political subdivision
3642 receiving fees pursuant to this Code section shall expend such fees for public safety
3643 purposes.

3644 (5) A distributor licensed pursuant to this subsection shall submit a list of the names and
3645 addresses, including the counties, of each temporary consumer fireworks retail sales stand
3646 at which such distributor has consumer fireworks offered for sale pursuant to this Code
3647 section to the ~~Safety Fire Commissioner~~ commissioner. Such list shall be submitted not
3648 less than 30 days prior to first having a temporary consumer fireworks retail sales stand
3649 at which such distributor has consumer fireworks offered for sale and not less than 30
3650 days prior to having such distributor's consumer fireworks offered for sale at a location
3651 not previously included on such list. The ~~Safety Fire Commissioner~~ commissioner shall
3652 make such list publicly available for inspection. In making determinations as provided
3653 for under this subsection, fire departments shall reference the list provided for by this
3654 paragraph.

3655 (6) A revocation or suspension of a license provided for under subsection (b) or (d) of
3656 this Code section shall operate as a revocation or suspension of a distributor's license
3657 under this subsection for the term of such revocation or suspension.

3658 (d)(1) The initial license fee for a distributor selling consumer fireworks from a store
3659 shall be \$1,500.00 in addition to \$250.00 per store location, payable to the ~~Safety Fire~~
3660 ~~Commissioner~~ commissioner. Upon finding that a distributor has met the requirements
3661 of subsection (a) of this Code section, such initial license shall be issued by the ~~Safety~~
3662 ~~Fire Commissioner~~ commissioner; provided, however, that such distributor has been
3663 operating and open to the public no less than 30 days prior to July 4 or December 31 in
3664 the year of an application for an initial license that is filed within 30 days of July 4 or
3665 December 31; and provided, further, that a distributor holding an initial license may add
3666 additional store locations to such license prior to the expiration of such license upon
3667 payment of \$250.00 per added store location. Such initial license shall expire on
3668 January 31 of the year after such initial license was issued or as otherwise provided for
3669 under this subsection. After such initial license, such distributor may annually renew
3670 such initial license, which shall then become an annual license, for \$1,000.00 in addition
3671 to \$100.00 per store location, payable to the ~~Safety Fire Commissioner~~ commissioner;
3672 provided, however, that a distributor holding an annual license may add additional store

3673 locations to such license prior to the expiration of such license upon payment of \$250.00
 3674 per added store location. Upon finding that a distributor has met the requirements of
 3675 subsection (a) of this Code section, such annual license shall be issued by the ~~Safety Fire~~
 3676 ~~Commissioner~~ commissioner. Such annual license shall expire on January 31 of each
 3677 year or as otherwise provided for under this subsection; provided, however, that a
 3678 distributor shall apply for an annual license or renewal of an annual license by
 3679 December 1 in the year preceding the expiration date of such initial or annual license; and
 3680 provided, further, that if an initial license is issued to a distributor on or after December 1,
 3681 then such distributor shall apply for an annual license by the first business day of the next
 3682 year.

3683 (2) An application submitted under this subsection shall identify each store location to
 3684 which an initial or annual license is applicable; there shall not be a requirement for a
 3685 separate application for each of the several store locations. The determination by the
 3686 ~~Safety Fire Commissioner~~ commissioner of whether a distributor has met requirements
 3687 for the issuance of a license required by this subsection shall be made within 30 days of
 3688 the submission of an application for any initial or annual license; provided, however, that
 3689 if a license will expire prior to the expiration of such 30 days and no such determination
 3690 has been made by the ~~Safety Fire Commissioner~~ commissioner, then the expiration date
 3691 for such license shall be extended until the date of such determination by the ~~Safety Fire~~
 3692 ~~Commissioner~~ commissioner but for no more than 30 days. If a determination has not
 3693 been made within the time provided for by this paragraph, or for an appeal of a
 3694 determination by the ~~Safety Fire Commissioner~~ commissioner, a distributor may seek
 3695 review from the judge of the probate court of the county of the location or proposed
 3696 location of the store from which consumer fireworks will be sold. Such judge may
 3697 provide for the issuance or nonissuance of a license and for the payment of license fees
 3698 in such manner as is consistent with the provisions of this subsection.

3699 25-10-6.

3700 (a) The state fire marshal shall enforce the provisions of this chapter; provided, however,
 3701 that, in addition, any law enforcement officer or agency of this state or political subdivision
 3702 thereof may enforce provisions relating to using or igniting or causing to be ignited
 3703 consumer fireworks. Applicable fire departments of a county, municipality, or other
 3704 political subdivision or a chartered fire department shall refer cases for enforcement under
 3705 subsection (c) of Code Section 25-10-5.1 to the state fire marshal. All fireworks or
 3706 consumer fireworks manufactured, offered for sale, exposed for sale, or stored in violation
 3707 of this chapter are declared to be contraband and may be seized, taken, and removed, or

3708 caused to be removed and destroyed or disposed of at the expense of the owner thereof by
 3709 the state fire marshal, the Georgia State Patrol, or any sheriff or local police official.

3710 (b) Any property declared as contraband pursuant to this Code section shall be forfeited
 3711 in accordance with the procedures set forth in Chapter 16 of Title 9.

3712 25-10-7.

3713 This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over
 3714 which the ~~Safety Fire Commissioner~~ commissioner has regulatory control.

3715 25-10-8.

3716 (a) Any person, firm, corporation, association, or partnership that violates Code
 3717 Section 25-10-3.2 shall be guilty of a felony and shall be punished by imprisonment for not
 3718 less than two nor more than ten years, or by a fine of not more than \$10,000.00, or both.

3719 (b) Any person, firm, corporation, association, or partnership that violates any other
 3720 provision of this chapter shall be guilty of a misdemeanor.

3721 25-10-9.

3722 Notwithstanding any provision of this chapter to the contrary, the ~~Safety Fire~~
 3723 ~~Commissioner~~ commissioner shall have the authority to subject any person, firm,
 3724 corporation, association, or partnership that knowingly violates this chapter to a monetary
 3725 penalty of up to \$2,500.00 for each and every act in violation of this chapter; provided,
 3726 however, that the ~~Safety Fire Commissioner~~ commissioner shall have the authority to
 3727 subject any person, firm, corporation, association, or partnership that knowingly sells
 3728 consumer fireworks from a tent, canopy, or membrane structure to a monetary penalty of
 3729 up to \$5,000.00 and, if any such person, firm, corporation, association, or partnership is a
 3730 distributor, then a license revocation for not more than two years. Each sales transaction
 3731 in violation of this chapter shall be a separate offense.

3732 25-10-10.

3733 It shall be unlawful for any person, firm, corporation, association, or partnership to release
 3734 or cause to be released any balloon, bag, parachute, or other similar device which requires
 3735 fire underneath for propulsion or to release or cause to be released any floating water
 3736 lantern or wish lantern which uses a flame to create a lighting effect in any public
 3737 waterway, lake, pond, stream, or river.

3738 25-10-11.

3739 (a) Whenever the ~~Safety Fire Commissioner~~ commissioner shall have reason to believe
 3740 that any person is or has been violating any provisions of this chapter, the ~~Safety Fire~~
 3741 ~~Commissioner~~ commissioner, his or her deputy, his or her assistant, or other designated
 3742 persons may issue and deliver to the person an order to cease and desist such violation. An
 3743 order issued under this Code section shall be delivered in accordance with the provisions
 3744 of subsection (c) of this Code section.

3745 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
 3746 order is cause for revocation of any or all licenses issued by the ~~Safety Fire Commissioner~~
 3747 commissioner for a period of not less than six months and not to exceed five years. If a
 3748 new license has been issued to the person so charged, the order of revocation shall operate
 3749 effectively with respect to such new license held by such person. In the case of an
 3750 applicant for a license, violation of any provision of this title or regulations promulgated
 3751 thereunder may constitute grounds for refusal of the application. Decisions under this
 3752 subsection may be appealed as provided by law.

3753 (c) Any order issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter
 3754 shall contain or be accompanied by a notice of opportunity for hearing which shall provide
 3755 that a hearing will be held if and only if a person subject to the order requests a hearing in
 3756 writing within ten days of receipt of the order and notice. The order and notice shall be
 3757 served by delivery by the ~~Safety Fire Commissioner~~ commissioner or his or her agent or
 3758 by registered or certified mail or statutory overnight delivery, return receipt requested. Any
 3759 person who fails to comply with any order under this subsection is guilty of a misdemeanor
 3760 and may be punished by law.

3761 (d) In addition to other powers granted to the ~~Safety Fire Commissioner~~ commissioner
 3762 under this chapter, the ~~Safety Fire Commissioner~~ commissioner may bring a civil action
 3763 to enjoin a violation of any provision of this chapter or of any rule, regulation, or order
 3764 issued by the ~~Safety Fire Commissioner~~ commissioner under this chapter.

3765 25-10-12.

3766 (a) In addition to the grounds set forth in Code Section 25-10-11, it is cause for revocation
 3767 or suspension, refusal, or nonrenewal by the ~~Safety Fire Commissioner~~ commissioner of
 3768 any license issued under this chapter if it is determined that the licensee or applicant has:

- 3769 (1) Failed to comply with all the requirements of this chapter or the rules and regulations
 3770 promulgated pursuant thereto;
- 3771 (2) Failed to maintain the minimum insurance coverage as set forth in this chapter;
- 3772 (3) Made a material misstatement or misrepresentation or committed a fraud in obtaining
 3773 or attempting to obtain a license; or

3774 (4) Failed to notify the ~~Safety Fire Commissioner~~ commissioner, in writing, within 30
3775 days after a change of residence, principal business address, or name.

3776 (b) In addition to other grounds set forth in this Code section, the ~~Safety Fire~~
3777 ~~Commissioner~~ commissioner shall not issue a new license under this chapter if the ~~Safety~~
3778 ~~Fire Commissioner~~ commissioner finds that the circumstance or circumstances for which
3779 the license was previously suspended or revoked still exist or are likely to recur.

3780 25-10-13.

3781 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
3782 succeed to all rules, regulations, policies, procedures, and pending and finalized
3783 administrative orders of the Safety Fire Commissioner under this chapter which are in
3784 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
3785 remain in effect until amended, repealed, superseded, or nullified by the board.

3786 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
3787 authorizations previously issued by the Safety Fire Commissioner with respect to any
3788 function transferred to the Department of Fire Safety shall continue in effect until the same
3789 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
3790 provided by law.

3791 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
3792 out all of the functions and obligations and exercise all of the powers formerly held by the
3793 Safety Fire Commissioner under this chapter."

3794 **PART IX**
3795 **SECTION 9-1.**

3796 Said title is further amended by revising Chapter 11, relating to fire protection sprinkler
3797 contractors, as follows:

3798 "CHAPTER 11

3799 25-11-1.

3800 This chapter shall be known and may be cited as the 'Georgia Fire Sprinkler Act.'

3801 25-11-2.

3802 As used in this chapter, the term:

3803 (1) 'Certificate' or 'certificate of competency' means the document issued by the
3804 ~~Commissioner~~ commissioner to a certificate holder who has demonstrated adequate

3805 technical knowledge and ability to design in accordance with recognized standards as
3806 adopted by the ~~Commissioner~~ commissioner and to perform and supervise the
3807 installation, repair, alteration, addition, maintenance, or inspection of water-based fire
3808 protection systems.

3809 (2) 'Certificate holder' means an individual who has been issued a certificate of
3810 competency by the ~~Commissioner~~ commissioner.

3811 (3) 'Commissioner' means the ~~Georgia Safety Fire Commissioner~~ commissioner of fire
3812 safety.

3813 (4) 'Fire protection sprinkler contractor' means an individual, partnership, corporation,
3814 association, or joint venture that supervises, performs, or supervises and performs the
3815 installation, repair, alteration, addition, maintenance, or inspection of water-based fire
3816 protection systems. Such term does not include local building officials, fire inspectors,
3817 or insurance inspectors when acting in their official capacities.

3818 (5) 'Fire protection sprinkler contractor license' means the document issued by the
3819 ~~Commissioner~~ commissioner to the fire protection sprinkler contractor which authorizes
3820 the fire protection sprinkler contractor to engage in the business of fabrication,
3821 installation, repair, alteration, maintenance, or inspection of water-based fire protection
3822 systems.

3823 (6) 'Fire protection sprinkler system' means an integrated system of overhead and
3824 underground piping designed in accordance with fire protection engineering standards.
3825 The installation includes one or more automatic water supplies. The portion of the system
3826 aboveground is a network of specially sized or hydraulically designed piping installed in
3827 a building, structure, or area, generally overhead, to which sprinklers are attached in a
3828 systematic pattern. The valve controlling each system riser is located in the system riser
3829 or its supply piping. The system is usually activated by heat from a fire and discharges
3830 water over the fire area.

3831 (7) 'Fire protection system designer' means a person who develops documents pertaining
3832 to water-based fire protection systems.

3833 (8) 'Fire protection system designer license' means a document issued by the
3834 ~~Commissioner~~ commissioner which authorizes the fire protection system designer to
3835 engage in the business of producing construction shop drawings pertaining to water-based
3836 fire protection systems.

3837 (9) 'Fire protection system inspector' means an individual who performs inspections only
3838 on water-based fire protection systems in accordance with applicable codes and standards
3839 as adopted by the ~~Commissioner~~ commissioner. Such term does not apply to state, local,
3840 and insurance inspectors while acting in their official capacities.

3841 (10) 'Fire protection system inspector's license' means a document issued by the
3842 ~~Commissioner~~ commissioner which authorizes the fire protection system inspector to
3843 engage in the business of inspecting water-based fire protection systems.

3844 (11) 'Fire pump' means a pump supplying water at the flow and pressure required by
3845 water-based fire protection systems.

3846 (12) 'Foam-water spray system' means a special system pipe connected to a source of
3847 foam concentrate and to a water supply and equipped with foam-water spray nozzles for
3848 fire protection agent discharge (foam and water sequentially in that order or in reverse
3849 order) and distribution over the area to be protected. System operation arrangements
3850 parallel those for foam-water sprinkler systems.

3851 (13) 'Foam-water sprinkler system' means a special system pipe connected to a source
3852 of foam concentrates and to a water supply and equipped with appropriate discharge
3853 devices for fire protection agent discharge and distribution over the area to be protected.
3854 The piping system is connected to the water supply through a control valve that is usually
3855 actuated by operation of automatic detection equipment installed in the same area as the
3856 sprinklers. When this valve opens, water flows into the piping system, and foam
3857 concentrate is injected into the water. The resulting foam solution discharging through
3858 the discharge devices generates and distributes foam. Upon exhaustion of the foam
3859 concentrate supply, water discharge will follow the foam and continue until manually
3860 shut off. Existing deluge sprinkler systems that have been converted to the use of
3861 aqueous film forming foam are classified as foam-water sprinkler systems.

3862 (14) 'Inspection' means a visual examination of a water-based fire protection system or
3863 portion thereof to verify that it appears to be in operating condition and is free of physical
3864 damage.

3865 (15) 'Maintenance' means work performed to keep equipment operable or to make repairs
3866 without altering the operation of the water-based system.

3867 (16) 'Private fire service main' means that pipe and its appurtenances on private property
3868 that are:

3869 (A) Between a source of water and the base of the system riser for water-based fire
3870 protection systems;

3871 (B) Between a source of water and inlets to foam-making systems;

3872 (C) Between a source of water and the base elbow of private hydrants or monitor
3873 nozzles;

3874 (D) Used as fire pump suction and discharge piping outside of a building; and

3875 (E) Beginning at the inlet side of the check valve on a gravity or pressure tank.

3876 (17) 'Private water tank' means a tank supplying water for water-based fire protection
3877 systems which is located on private property.

3878 (18) 'Standpipe system' means an arrangement of piping, valves, hose connections, and
 3879 allied equipment installed in a building or structure with the hose connections located in
 3880 such a manner that water can be discharged in streams or spray patterns through attached
 3881 hoses and nozzles for the purpose of extinguishing a fire, thus protecting a building or
 3882 structure, its contents, and its occupants. This is accomplished by connection to water
 3883 supply systems or by pumps, tanks, and other equipment necessary to provide an
 3884 adequate supply of water-to-hose connections.

3885 (19) 'Testing' means a procedure to determine the status of a system as intended by
 3886 conducting periodic physical checks on water-based fire protection systems such as
 3887 waterflow tests, fire pump tests, alarm tests, and trip tests of dry pipe, deluge, or preaction
 3888 valves. These tests follow up on the original acceptance test at intervals specified in the
 3889 appropriate standards related to such systems.

3890 (20) 'Water-based fire protection system' means any one system or any combination of
 3891 a number of systems designed to deliver water to an apparatus designed to extinguish or
 3892 retard the advancement of fire. Such systems include fire protection sprinkler systems,
 3893 standpipe systems, private fire service mains, fire pumps, private water tanks, water spray
 3894 fixed systems, foam-water spray systems, and foam-water sprinkler systems. The term
 3895 'fire sprinkler system' is used interchangeably with this term.

3896 (21) 'Water-spray fixed system' means a special fixed pipe system connected to a reliable
 3897 fire protection water supply and equipped with water-spray nozzles for specific water
 3898 discharge and distribution over the surface or area to be protected. The piping system is
 3899 connected to the water supply through an automatically or manually activated valve that
 3900 initiates the flow of water. An automatic valve is actuated by operation of automatic
 3901 detection equipment installed in the same area as the water-spray nozzles.

3902 25-11-3.

3903 (a) The ~~Commissioner~~ commissioner is charged with the duty and responsibility for the
 3904 enforcement of this chapter.

3905 (b) Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any
 3906 provision of this chapter may be exercised, discharged, or performed by any deputy,
 3907 assistant, or other designated employee acting in the ~~Commissioner's~~ commissioner's name
 3908 and by his or her delegated authority.

3909 (c) The ~~Commissioner~~ commissioner may, at his or her discretion, have the competency
 3910 and license test prepared by others.

3911 (d) The ~~Commissioner~~ commissioner is authorized to enter into a reciprocal agreement
 3912 with the state fire commissioner, ~~or state fire marshal, or such other fire safety official of~~

3913 other states for the waiver of the competency test of any applicant resident in such other
3914 jurisdiction, provided that:

3915 (1) The laws of the other jurisdiction are substantially similar to this chapter; and

3916 (2) The applicant has no place of business within this state nor is an officer, director,
3917 stockholder, or partner in any corporation or partnership doing business in this
3918 jurisdiction as a fire protection sprinkler contractor.

3919 25-11-4.

3920 (a) Any individual desiring to become a certificate holder shall submit to the
3921 ~~Commissioner~~ commissioner a completed application on forms prescribed by the
3922 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a
3923 nonrefundable certificate fee of \$150.00 plus a one-time filing fee of \$75.00. Such fee
3924 shall not be prorated for portions of a year.

3925 (b) Prior to obtaining a certificate, the applicant shall demonstrate his or her competence
3926 and knowledge of water-based fire protection systems by:

3927 (1) Successfully completing a competency test by means prescribed by rules and
3928 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; or

3929 (2) Submitting to the ~~Commissioner~~ commissioner a certification from either the state
3930 fire commissioner or state fire marshal of another jurisdiction whenever a reciprocal
3931 agreement has been entered into between the two jurisdictions pursuant to the provisions
3932 of this chapter.

3933 (c)(1) If the applicant has paid the required fees and has met one of the requirements of
3934 subsection (b) of this Code section, the ~~Commissioner~~ commissioner shall issue a
3935 certificate of competency in the name of the applicant, unless such applicant has been
3936 cited under other provisions of this chapter. Such certificate shall expire annually as
3937 determined by the rules and regulations and shall be nontransferable.

3938 (2) In no case shall a certificate holder be allowed to obtain a certificate of competency
3939 for more than one fire protection sprinkler contractor or more than one office location at
3940 a time. If the certificate holder should leave the employment of a fire protection sprinkler
3941 contractor or change office locations, he or she must notify the ~~Commissioner~~
3942 commissioner in writing within 30 days.

3943 (d) A certificate holder desiring to renew his or her certificate shall submit a renewal
3944 application to the ~~Commissioner~~ commissioner and remit therewith a renewal fee of
3945 \$100.00 on or before the date determined by the rules and regulations of each year. If the
3946 state minimum fire safety standards regarding the installation or maintenance of fire
3947 protection sprinkler systems or water-spray systems promulgated by the ~~Commissioner~~
3948 commissioner have been revised since the date the certificate holder's expiring certificate

3949 was issued, the ~~Commissioner~~ commissioner may, upon 30 days' notice, require the
3950 certificate holder to again meet one of the requirements of subsection (b) of this Code
3951 section prior to the renewal of his or her certificate.

3952 25-11-5.

3953 (a) Where a fire protection sprinkler contractor has multiple office locations for the
3954 purpose of design, installation, repair, alteration, addition, maintenance, or inspection of
3955 water-based fire protection systems, each location shall be licensed under the provisions
3956 of this chapter.

3957 (b) Any organization or individual desiring to become a fire protection sprinkler contractor
3958 shall submit to the ~~Commissioner~~ commissioner a completed application on forms
3959 prescribed by him or her. Such organization or individual shall remit with his or her
3960 application a nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00.
3961 Such fee shall not be prorated for portions of a year.

3962 (c) Prior to obtaining a sprinkler contractor's license, the applicant shall:

3963 (1) Submit to the ~~Commissioner~~ commissioner a copy of any and all certificate of
3964 competency holders' certificates employed by the applicant; and

3965 (2) Submit to the ~~Commissioner~~ commissioner proof of comprehensive liability
3966 insurance coverage. The liability insurance policy shall provide coverage in an amount
3967 not less than \$1 million and shall cover any loss to property or personal injury caused by
3968 the fire protection sprinkler contractor. The policy must be purchased from an insurer
3969 authorized to do business in Georgia.

3970 (d) A fire protection sprinkler contractor license shall expire annually as determined by the
3971 rules and regulations. A license holder desiring to renew his or her license shall submit a
3972 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00
3973 on or before the date determined by the rules and regulations of each year.

3974 25-11-6.

3975 (a) Any individual desiring to become a fire protection sprinkler system inspector shall
3976 submit to the ~~Commissioner~~ commissioner a completed application on the prescribed
3977 forms. Such individual shall remit with his or her application a nonrefundable license fee
3978 of \$100.00 plus a one-time filing fee of \$75.00. Such fees shall not be prorated for portions
3979 of a year.

3980 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and
3981 employment by a sprinkler contractor by:

3982 (1) Successfully completing a competency test by means prescribed by rules and
3983 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner; and

3984 (2) Submitting to the ~~Commissioner~~ commissioner proof of employment by a sprinkler
 3985 contractor who has comprehensive liability insurance coverage. The liability insurance
 3986 policy shall provide coverage in an amount not less than \$1 million and shall cover any
 3987 loss to property or personal injury caused by the fire protection sprinkler inspector. The
 3988 policy must be purchased from an insurer authorized to do business in Georgia.

3989 (c) A fire protection sprinkler system inspector license shall expire annually as determined
 3990 by the rules and regulations. A license holder desiring to renew his or her license shall
 3991 submit a renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee
 3992 of \$75.00 on or before the date determined by the rules and regulations of each year.

3993 25-11-7.

3994 (a) Any individual desiring to become a fire protection system designer shall submit to the
 3995 ~~Commissioner~~ commissioner a completed application on forms prescribed by the
 3996 ~~Commissioner~~ commissioner. Such individual shall remit with his or her application a
 3997 nonrefundable license fee of \$100.00 plus a one-time filing fee of \$75.00. Such fee shall
 3998 not be prorated for portions of a year.

3999 (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and
 4000 knowledge of water-based fire protection systems by means prescribed by rules and
 4001 regulations as adopted and promulgated by the ~~Commissioner~~ commissioner or as set forth
 4002 in Chapter 15 of Title 43.

4003 (c) A fire protection system designer license shall expire annually as determined by the
 4004 rules and regulations. A license holder desiring to renew his or her license shall submit a
 4005 renewal application to the ~~Commissioner~~ commissioner and remit a renewal fee of \$75.00
 4006 on or before the date determined by the rules and regulations of each year.

4007 25-11-8.

4008 (a) No person shall act as a fire protection sprinkler contractor unless a certificate holder
 4009 is employed full time, in office or on site or combination thereof, to supervise or perform
 4010 the installation, repair, alteration, addition, maintenance, or inspection of water-based fire
 4011 protection systems.

4012 (b) If the only certificate holder employed by a fire protection sprinkler contractor leaves
 4013 the employment of the fire protection contractor, the contractor shall notify the
 4014 ~~Commissioner~~ commissioner in writing within 30 days. A new certificate holder must be
 4015 employed by a fire protection sprinkler contractor within 30 days of such notice.

4016 (c) No fire protection sprinkler contractor shall permit any person under his or her
 4017 employment or control to install, repair, alter, maintain, or inspect any water-based fire

4018 protection system unless such person is a certificate holder or is under the direct
4019 supervision of a certificate holder employed by the contractor.

4020 (d) Only fire protection sprinkler contractors or certificate of competency holders shall
4021 alter or renovate water-based fire protection systems except as otherwise provided by this
4022 chapter.

4023 (e) Individuals employed by the building owner or a representative of the building owner
4024 may repair leaks, replace broken fittings, or perform other routine maintenance that does
4025 not alter the piping arrangement or operation of a water-based fire protection system.

4026 (f) Installations shall conform to codes as adopted by the ~~Commissioner~~ commissioner
4027 unless otherwise permitted by this chapter or the rules and regulations promulgated
4028 pursuant to this chapter.

4029 (g) It shall be unlawful for any person to begin installation of a fire sprinkler system on
4030 any proposed or existing building or structure which comes under the classification in
4031 paragraph (1) of subsection (b) of Code Section 25-2-13 or which comes under the
4032 jurisdiction of the ~~office of the Commissioner of Insurance~~ Department of Fire Safety
4033 pursuant to Code Section 25-2-12 without first having drawings of the designed system
4034 approved by the appropriate authority having jurisdiction unless otherwise provided by the
4035 rules and regulations promulgated pursuant to this chapter.

4036 25-11-9.

4037 (a) Water-based fire protection shop drawings shall be reviewed for code compliance with
4038 the state minimum standards by a certificate of competency holder.

4039 (b) The reviewing certificate holder's signature, printed name, and certificate number
4040 indicating such compliance shall be indicated on submitted plans.

4041 (c) Noncode compliance dictated by bid documents shall be reported by means prescribed
4042 by the rules and regulations promulgated pursuant to this chapter.

4043 25-11-10.

4044 (a) Only licensed fire protection system designers or other designers under their direct
4045 supervision shall prepare water-based fire protection system documents for construction.

4046 (b) All documents shall be representative of code complying water-based fire protection
4047 systems unless otherwise permitted by the rules and regulations promulgated pursuant to
4048 this chapter.

4049 (c) The licensed fire protection system designer's signature, printed name, and license
4050 number shall be indicated on the shop drawings.

4051 25-11-11.

4052 (a) Inspections, maintenance, and testing required by this chapter shall only be performed
4053 by licensed fire protection system inspectors, certificate of competency holders, or
4054 representatives of the building owner. Representatives of the building owner shall indicate
4055 in writing to the authority having jurisdiction their intent to do such inspections and
4056 provide to the authority having jurisdiction proof of knowledge and expertise pertaining
4057 to the systems inspected as specified in the rules and regulations adopted pursuant to this
4058 chapter. Said representatives of the building owner are exempt from the license
4059 requirements specified in Code Section 25-11-6.

4060 (b) Duly authorized manufacturers' representatives while acting in their official capacities
4061 are exempt from this chapter.

4062 (c) Inspections and maintenance of water-based fire protection systems owned by a firm,
4063 business, or corporation and installed on property under control of the firm, business, or
4064 corporation may be performed by an employee of the firm, business, or corporation,
4065 provided that annual inspection and maintenance of the water-based system are performed
4066 by a current certificate of competency holder or inspector as defined in this chapter. Said
4067 employees are exempt from the license requirements specified in Code Section 25-11-6.

4068 25-11-12.

4069 The ~~Commissioner~~ commissioner may promulgate such rules and regulations as he or she
4070 deems necessary to carry out the provisions of this chapter. The ~~Commissioner~~
4071 commissioner may also prescribe the forms required for the administration of this chapter.

4072 25-11-13.

4073 (a) The installation or repair of any underground facilities or piping which connects to and
4074 furnishes water for the water-based fire protection system shall be performed only by a
4075 licensed utility contractor, fire protection sprinkler contractor, or licensed plumber in
4076 accordance with the minimum fire safety standards adopted by the ~~Commissioner~~
4077 commissioner. The installing contractor shall be responsible for the installation of proper
4078 underground facilities and piping which provide an adequate flow of water from the fire
4079 protection water supply to the water-based fire protection system.

4080 (b) Evidence of inspection shall be given to the owner or his or her representative in the
4081 form of a letter indicating the inspector or certificate of competency holder and the license
4082 number or certificate number.

4083 (c) Before any local building official shall issue any license or building permit which
4084 authorizes the construction of any building or structure containing a water-based fire
4085 protection system, such local official shall require a copy of a valid fire protection sprinkler

4086 contractor license from the fire protection sprinkler contractor. The fire protection
 4087 sprinkler contractor shall be required to pay any fees normally imposed for local licenses
 4088 or permits, but the local official shall impose no requirements on the fire protection
 4089 sprinkler contractor to prove competency other than proper evidence of a valid certificate
 4090 of competency, as issued by the ~~Commissioner~~ commissioner.

4091 (d) Nothing in this chapter limits the power of a municipality, county, or the state to
 4092 require the submission and approval of plans and specifications or to regulate the quality
 4093 and character of work performed by contractors through a system of permits, fees, and
 4094 inspections otherwise authorized by law for the protection of the public health and safety.

4095 25-11-14.

4096 This chapter shall also apply to any fire protection sprinkler contractor performing work
 4097 for the state or any municipality, county, or other political subdivision. Officials of the
 4098 state or any municipality, county, or other political subdivision are required to determine
 4099 compliance with this chapter before awarding any contracts for the installation, repair,
 4100 alteration, addition, maintenance, or inspection of a water-based fire protection system.
 4101 Bids tendered for such contracts shall be accompanied by a copy of a valid certificate of
 4102 competency.

4103 25-11-15.

4104 (a) All fees collected pursuant to the provisions of this chapter shall be deposited with the
 4105 Fiscal Division of the Department of Administrative Services.

4106 (b) The ~~Commissioner~~ commissioner shall be authorized to receive grants for the
 4107 administration of this chapter from parties interested in upgrading and improving the
 4108 quality of water-based fire protection systems, education of the public pertaining to
 4109 water-based fire protection systems, or the upgrading of fire protection, in general, in
 4110 Georgia.

4111 25-11-16.

4112 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any
 4113 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~
 4114 commissioner, his or her deputy, his or her assistant, or other designated persons may issue
 4115 and deliver to the individual an order to cease and desist such violation. An order issued
 4116 under this Code section may be delivered in accordance with the provisions of subsection
 4117 (d) of this Code section.

4118 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
 4119 order is cause for revocation of any or all certificates and licenses issued by the

4120 ~~Commissioner~~ commissioner for a period of not less than six months and not to exceed five
 4121 years. If a new certificate or license has been issued to the person so charged, the order of
 4122 revocation shall operate effectively with respect to such new certificates and licenses held
 4123 by such person. In the case of an applicant for a license, certificate, or permit, violation of
 4124 any provision of this title or regulations promulgated thereunder may constitute grounds
 4125 for refusal of the application. Decisions under this subsection may be appealed as provided
 4126 by law.

4127 (c) Any person who violates any provision of this chapter or any rule, regulation, or order
 4128 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil
 4129 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first
 4130 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not
 4131 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to
 4132 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~
 4133 commissioner or his or her agent shall give written notice to the person or entity by hand
 4134 delivery or by registered or certified mail or statutory overnight delivery, return receipt
 4135 requested, of the existence of the violations. After a reasonable period of time after notice
 4136 is given, an order may be issued based on this Code section. Such order must be delivered
 4137 in accordance with the provisions of subsection (d) of this Code section and must notify
 4138 the person or entity of the right to a hearing with respect to same.

4139 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain
 4140 or be accompanied by a notice of opportunity for hearing which may provide that a hearing
 4141 will be held if and only if a person subject to the order requests a hearing within ten days
 4142 of receipt of the order and notice. The order and notice shall be served by delivery by the
 4143 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or
 4144 statutory overnight delivery, return receipt requested. Any person who fails to comply with
 4145 any order under this subsection is guilty of a misdemeanor and may be punished by law.

4146 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this
 4147 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of
 4148 any provision of this chapter or of any rule, regulation, or order issued by the
 4149 ~~Commissioner~~ commissioner under this chapter.

4150 25-11-17.

4151 In addition to the grounds set forth in Code Section 25-11-16, it is cause for revocation or
 4152 suspension, refusal, or nonrenewal of certificates or licenses by the ~~Commissioner~~
 4153 commissioner if it is determined that the holder or applicant has:

4154 (1) Rendered inoperative a water-based fire protection system covered by this chapter,
 4155 except during a reasonable time during which the system is being repaired, altered, added
 4156 to, maintained, inspected, or except pursuant to a court order;

4157 (2) Falsified any record required to be maintained by this chapter or rules or regulations
 4158 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~
 4159 commissioner;

4160 (3) Improperly installed, repaired, serviced, modified, altered, inspected, or tested a
 4161 water-based fire protection system;

4162 (4) While holding a certificate or license, allowed another person to use the certificate
 4163 or license or certificate number or license number other than his or her own valid
 4164 certificate or license or certificate number or license number;

4165 (5) While holding a certificate or license, used a certificate or license or certificate
 4166 number or license number other than his or her own valid certificate or license or
 4167 certificate number or license number;

4168 (6) Used credentials, methods, means, or practices to impersonate a representative of the
 4169 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,
 4170 or other fire authority having jurisdiction;

4171 (7) Failed to maintain the minimum insurance coverage as set forth in this chapter;

4172 (8) Failed to obtain, retain, or maintain one or more of the qualifications and
 4173 requirements to obtain a certificate of competency or other licenses required by this
 4174 chapter;

4175 (9) Installed, serviced, modified, altered, inspected, maintained, added to, or tested a
 4176 water-based fire protection system without a current, valid license or certificate, when
 4177 such license or certificate is required by this chapter;

4178 (10) Made a material misstatement or misrepresentation or committed a fraud in
 4179 obtaining or attempting to obtain a license or certificate; or

4180 (11) Failed to notify the ~~Commissioner~~ commissioner, in writing, with 30 days after a
 4181 change of residence, principal business address, or name.

4182 In addition to other grounds set forth in this Code section, the ~~Commissioner~~ commissioner
 4183 shall not issue a new license or certificate if the ~~Commissioner~~ commissioner finds that the
 4184 circumstance or circumstances for which the license or certificate was previously
 4185 suspended or revoked still exist or are likely to recur.

4186 25-11-18.

4187 The failure to renew a certificate or license by the expiration date as set forth in this chapter
 4188 will cause the certificate or license to become inoperative. A certificate or license which
 4189 is inoperative because of the failure to renew it shall be restored upon payment of the

4190 applicable fee plus a penalty of not more than \$250.00 if said fees are paid within 90 days
 4191 of expiration. After 90 days new certificates and licenses must be applied for as required
 4192 for an initial certificate or license.

4193 25-11-19.

4194 The provisions of this chapter shall not apply to water-based automatic sprinkler systems
 4195 for use in single-family dwellings or limited water-based systems permitted to be
 4196 connected directly to a domestic water supply system as allowed by the NFiPA Life Safety
 4197 Code adopted by the ~~Commissioner's~~ commissioner's rules and regulations.

4198 25-11-20.

4199 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
 4200 succeed to all rules, regulations, policies, procedures, and pending and finalized
 4201 administrative orders of the Safety Fire Commissioner under this chapter which are in
 4202 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
 4203 remain in effect until amended, repealed, superseded, or nullified by the board.

4204 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 4205 authorizations previously issued by the Safety Fire Commissioner with respect to any
 4206 function transferred to the Department of Fire Safety shall continue in effect until the same
 4207 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 4208 provided by law.

4209 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
 4210 out all of the functions and obligations and exercise all of the powers formerly held by the
 4211 Safety Fire Commissioner under this chapter."

4212 **PART X**

4213 **SECTION 10-1.**

4214 Said title is further amended by revising Chapter 12, relating to regulation of fire
 4215 extinguishers and suppression systems, as follows:

4216 "CHAPTER 12

4217 25-12-1.

4218 It is unlawful for any firm to engage in the business of installing, inspecting, recharging,
 4219 repairing, servicing, or testing of portable fire extinguishers or fire suppression systems,
 4220 as defined by this chapter, in this state except in conformity with the provisions of this

chapter. Each firm engaging in any such business must possess a valid and subsisting license issued by the ~~Commissioner~~ commissioner. Such license shall not be required for any firm or governmental entity that engages only in installing, inspecting, recharging, repairing, servicing, or testing of portable fire extinguishers or fire suppression systems owned by the firm and installed on property under the control of said firm. Such firms shall remain subject to the rules and regulations adopted pursuant to this chapter.

25-12-2.

As used in this chapter, the term:

- (1) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.
- (2) 'Engineered fire suppression system' means any fire suppression system having pipe lengths, number of fittings, number and types of nozzles, suppression agent flow rates, and nozzle pressures as determined by calculations derived from the appropriate standards of the National Fire Protection Association, whether those calculations are performed by hand or by a computer program or by other method of calculation. These systems may consist of other components, including, but not limited to, detection devices, alarm devices, and control devices as tested and approved by a nationally recognized testing laboratory and shall be manufacturer listed as compatible with the fire suppression system involved.
- (3) 'Fire suppression system' means any fire-fighting system employing a suppression agent with the purpose of controlling, suppressing, or extinguishing a fire in a specific hazard. The suppression agent shall be a currently recognized agent or water additive required to control, suppress, or extinguish a fire. The term ~~fire~~ 'fire suppression system system' shall include engineered and preengineered systems as defined in this chapter and shall not include those systems addressed in Chapter 11 of this title.
- (4) 'Firm' means any business, person, partnership, organization, association, corporation, contractor, subcontractor, or individual.
- (5) 'License' means the document issued by the ~~Commissioner~~ commissioner which authorizes a firm to engage in the business of installation, repair, alteration, recharging, inspection, maintenance, service, or testing of fire suppression systems or portable fire extinguishers.
- (6) 'Permit' means the document issued by the ~~Commissioner~~ commissioner which authorizes an individual to install, inspect, repair, recharge, service, or test fire suppression systems or portable fire extinguishers.
- (7) 'Portable fire extinguisher' means a portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire. The device must be listed by a nationally recognized testing laboratory. The device must

4257 bear a manufacturer's name and serial number. The listings, approvals, and serial
4258 numbers may be stamped on the manufacturer's identification and instruction plate or on
4259 a separate plate of the testing laboratory soldered or attached to the extinguisher shell in
4260 a permanent manner set forth by the listing or approving organization.

4261 (8) 'Preengineered fire suppression system' means any system having predetermined flow
4262 rates, nozzle pressures, and quantities of an extinguishing agent. These systems have the
4263 specific pipe size, maximum and minimum pipe lengths, flexible hose specifications,
4264 number of fittings, and number and types of nozzles prescribed by a nationally
4265 recognized testing laboratory. The hazards protected by these systems are specifically
4266 limited as to the type and size by the testing laboratory based upon actual fire tests.
4267 Limitations on hazards that can be protected by these systems are contained in the
4268 manufacturer's installation manual, which is referenced as part of the listing.

4269 25-12-3.

4270 All fire suppression systems required by the ~~Commissioner's~~ commissioner's rules and
4271 regulations or by other state or local fire safety rules or regulations must be installed,
4272 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the
4273 provisions of this chapter, except as otherwise provided by this chapter.

4274 25-12-4.

4275 All portable fire extinguishers required by the ~~Commissioner's~~ commissioner's rules and
4276 regulations or by other state or local fire safety rules or regulations must be installed,
4277 inspected, repaired, recharged, serviced, or tested only by a firm licensed under the
4278 provisions of this chapter, except as otherwise provided by this chapter.

4279 25-12-5.

4280 The provisions of this chapter do not apply to fire chiefs, fire marshals, fire inspectors, or
4281 insurance company inspectors with regard to the routine visual inspection of preengineered
4282 fire suppression systems or portable fire extinguishers.

4283 25-12-6.

4284 (a) The provisions of this chapter do not apply to any firm that engages only in the routine
4285 visual inspection of fire suppression systems or portable fire extinguishers owned by the
4286 firm and installed on property under the control of said firm.

4287 (b) The fees required by this chapter shall not apply to employees of federal, state, or local
4288 governments or to members of legally organized fire departments while acting in their
4289 official capacities.

4290 25-12-7.

4291 Each firm in the business of installing, altering, inspecting, repairing, recharging, servicing,
4292 maintaining, or testing fire suppression systems or in the business of inspecting, repairing,
4293 recharging, servicing, maintaining, or testing portable fire extinguishers is required to
4294 obtain a license from the ~~Commissioner~~ commissioner. The annual fee for said license
4295 shall be as established by the ~~Commissioner~~ commissioner by rule or regulation, but such
4296 license fee shall not exceed \$50.00.

4297 25-12-8.

4298 Each individual actually performing the installing, inspecting, repairing, recharging,
4299 servicing, or testing activities must possess a valid and subsisting permit issued by the
4300 ~~Commissioner~~ commissioner. The annual fee for said permit shall be as established by the
4301 ~~Commissioner~~ commissioner by rule or regulation, but such permit fee shall not exceed
4302 \$75.00. Such permit shall not be required for any individual employed by any firm or
4303 governmental entity that engages only in installing, inspecting, recharging, repairing,
4304 servicing, or testing of portable fire extinguishers or fire suppression systems owned by the
4305 firm and installed on property under the control of said firm. Such individuals shall remain
4306 subject to the rules and regulations adopted pursuant to this chapter.

4307 25-12-9.

4308 The licenses and permits required by this chapter shall be issued by the ~~Commissioner~~
4309 commissioner for each license year beginning January 1 and expiring the following
4310 December 31. The failure to renew a license or permit by December 31 will cause the
4311 license or permit to become inoperative. A license or permit which is inoperative because
4312 of the failure to renew it shall be restored upon payment of the applicable fee plus a penalty
4313 equal to the applicable fee if said fees are paid within 90 days of expiration. After 90 days,
4314 the firm and the employees thereof must apply for new licenses and permits as required for
4315 an initial license or permit.

4316 25-12-10.

4317 The forms of such licenses and permits and applications and fees therefor shall be
4318 prescribed by the ~~Commissioner~~ commissioner by rule or regulation, subject to the
4319 limitations on fees provided for in Code Sections 25-12-7 and 25-12-8. In addition to such
4320 other information and data as the ~~Commissioner~~ commissioner determines are appropriate
4321 and required for such forms, there shall be included in such forms the following matters:

- 4322 (1) Each such application shall be sworn to by the applicant or, if a corporation, by an
4323 officer thereof;

4324 (2) Each application shall clearly state, in detail as set forth by the ~~Commissioner~~
 4325 commissioner, the type of activity or activities for which the applicant desires a license
 4326 or permit to perform;

4327 (3) An application for a permit shall include the name of the licensee employing such
 4328 permittee, and the permit issued in pursuance of such application shall also set forth the
 4329 name of such licensee. For persons covered by Code Section 25-12-8, the application and
 4330 permit shall bear the business name of the person's employer; and

4331 (4) The license or permit issued by the ~~Commissioner~~ commissioner shall clearly state
 4332 the activity or activities for which the firm or individual has been issued the license or
 4333 permit to perform. The licensee or permittee shall not perform any activity not noted on
 4334 the license or permit issued by the ~~Commissioner~~ commissioner.

4335 25-12-11.

4336 A license may not be issued by the ~~Commissioner~~ commissioner until:

4337 (1) The applicant has submitted to the ~~Commissioner~~ commissioner evidence of
 4338 registration as a Georgia corporation;

4339 (2) The ~~Commissioner~~ commissioner or a person designated by him or her has by
 4340 inspection determined that the applicant possesses the equipment required for the
 4341 activities the applicant requests to be licensed to perform. If the applicant includes in the
 4342 request the high-pressure hydrostatic testing of equipment, the applicant must submit a
 4343 copy of its United States Department of Transportation approval and renewals. If the
 4344 applicant includes in the request the transfer of Halogenated fire suppression agents, the
 4345 applicant must submit a copy of the current Underwriter's Laboratories on-site inspection
 4346 form for a manufacturer's represented Halon pumping station. The ~~Commissioner~~
 4347 commissioner shall give an applicant 60 days to correct any deficiencies discovered by
 4348 inspection;

4349 (3) The applicant has submitted to the ~~Commissioner~~ commissioner proof of a valid
 4350 comprehensive liability insurance policy purchased from an insurer authorized to do
 4351 business in Georgia. The coverage must include bodily injury and property damage,
 4352 products liability, completed operations, and contractual liability. The proof of insurance
 4353 must also be provided before any license can be renewed. The minimum amount of said
 4354 coverage shall be \$1 million or such other amount as specified by the ~~Commissioner~~
 4355 commissioner. An insurer which provides such coverage shall notify the ~~Commissioner~~
 4356 commissioner of any change in coverage; and

4357 (4) The applicant, when filing an application for an examination, pays a nonrefundable
 4358 filing fee fixed by rule or regulation of the ~~Commissioner~~ commissioner.

4359 25-12-12.

4360 No permit may be issued to a person for the first time by the ~~Commissioner~~ commissioner
 4361 until the applicant has submitted a nonrefundable filing fee fixed by rule or regulation of
 4362 the ~~Commissioner~~ commissioner.

4363 25-12-13.

4364 (a) Any firm or individual holding a valid license or permit desiring to perform an activity
 4365 not covered by the current permit may submit an application for an amended license or
 4366 permit at any time between January 1 and the date established by the ~~Commissioner~~
 4367 commissioner for filing applications for renewing an annual license or permit.

4368 (b) The provisions of this chapter relating to the requirements for obtaining a license or
 4369 permit shall apply to applications for an amended license or permit. The ~~Commissioner~~
 4370 commissioner shall by rule or regulation establish the fee for obtaining an amended license
 4371 and the fee for an amended permit, but such fees shall not exceed the respective limits set
 4372 forth in Code Sections 25-12-7 and 25-12-8.

4373 (c) The fees for an amended license or permit shall not apply if the new activity or
 4374 activities are included in an application for a renewal of the annual license or permit. The
 4375 application for renewal must be accompanied by the proof of training and other applicable
 4376 documentation regarding the activity or activities desired to be included on the new annual
 4377 license or permit.

4378 25-12-14.

4379 Every permittee must have a valid and subsisting permit upon his or her person at all times
 4380 while engaging in the installing, inspection, recharging, repairing, servicing, or testing of
 4381 fire suppression systems or portable fire extinguishers. Every licensee or permittee must
 4382 be able to produce a valid license or valid permit, as appropriate, upon demand by the
 4383 ~~Commissioner~~ commissioner or his or her representatives or by any local authority having
 4384 jurisdiction for fire protection or prevention or by any person for whom the licensee or
 4385 permittee solicits to perform any of the activities covered by this chapter.

4386 25-12-15.

4387 The ~~Commissioner~~ commissioner may adopt rules and regulations setting forth the proper
 4388 installation, inspection, recharging, repairing, servicing, or testing of fire suppression
 4389 systems or portable fire extinguishers. The ~~Commissioner~~ commissioner may adopt by rule
 4390 the applicable standards of the National Fire Protection Association or another nationally
 4391 recognized organization, if the standards are judged by him or her to be suitable for the
 4392 enforcement of this chapter. All fire suppression systems covered by Code Section 25-12-3

4393 and all portable fire extinguishers covered by Code Section 25-12-4 shall be installed,
 4394 inspected, recharged, repaired, serviced, or tested in compliance with this chapter and with
 4395 the ~~Commissioner's~~ commissioner's rules and regulations.

4396 25-12-16.

4397 The ~~Commissioner~~ commissioner shall make and promulgate specifications as to the
 4398 number, type, size, shape, color, and information and data contained thereon of service tags
 4399 to be attached to all portable fire extinguishers and fire suppression systems covered by this
 4400 chapter when they are installed, inspected, recharged, repaired, serviced, or tested. It shall
 4401 be unlawful to install, inspect, recharge, repair, service, or test any portable fire
 4402 extinguisher or fire suppression system without attaching the required tag or tags
 4403 completed in detail, including the actual month, day, and year the work was performed, or
 4404 to use a tag not meeting the specifications set forth by the ~~Commissioner~~ commissioner.

4405 25-12-17.

4406 (a) The violation of any provision of this chapter or any rule or regulation adopted and
 4407 promulgated pursuant to this chapter or the failure or refusal to comply with any notice or
 4408 order to correct a violation or any cease and desist order by any person who possesses a
 4409 license or permit issued pursuant to this chapter or who is required to have a license or
 4410 permit issued pursuant to this chapter is cause for denial, nonrenewal, revocation, or
 4411 suspension of such license or permit by the ~~Commissioner~~ commissioner after a
 4412 determination that such person is guilty of such violations. An order of suspension shall
 4413 state the period of time of such suspension, which period may not be in excess of two years
 4414 from the date of such order. An order of revocation shall state the period of time of such
 4415 revocation, which period may not be in excess of five years from the date of such order.
 4416 Such order shall effect suspension or revocation of all licenses and permits then held by the
 4417 person, and during such period of time no license or permit shall be issued to such person.
 4418 During the suspension or revocation of any license or permit, the licensee or permittee
 4419 whose license or permit has been suspended or revoked shall not engage in or attempt or
 4420 profess to engage in any transaction or business for which a license or permit is required
 4421 under this chapter or directly or indirectly own, control, or be employed in any manner by
 4422 any firm, business, or corporation for which a license or permit under this chapter is
 4423 required. If, during the period between the beginning of proceedings and the entry of an
 4424 order of suspension or revocation by the ~~Commissioner~~ commissioner, a new license or
 4425 permit has been issued to the person so charged, the order of suspension or revocation shall
 4426 operate to suspend or revoke, as the case may be, such new license or permit held by such
 4427 person.

4428 (b) The department shall not, so long as the revocation or suspension remains in effect,
 4429 issue any new license or permit for the establishment of any new firm, business, or
 4430 corporation of any person or applicant that has or will have the same or similar
 4431 management, ownership, control, employees, permittees, or licensees or will use the same
 4432 or a similar name as the revoked or suspended firm, business, corporation, person, or
 4433 applicant.

4434 (c) The ~~Commissioner~~ commissioner may deny, nonrenew, suspend, or revoke the license
 4435 or permit of:

4436 (1) Any person, firm, business, or corporation whose license has been suspended or
 4437 revoked under this chapter;

4438 (2) Any firm, business, or corporation if any officer, director, stockholder, owner, or
 4439 person who has a direct or indirect interest in the firm, business, or corporation has had
 4440 his or her license or permit suspended under this chapter; and

4441 (3) Any person who is or has been an officer, director, stockholder, or owner of a firm,
 4442 business, or corporation or who has or had a direct or indirect interest in a firm, business,
 4443 or corporation whose license or permit has been suspended or revoked under this chapter.

4444 (d) In addition to the grounds set forth in this Code section, it is cause for denial,
 4445 nonrenewal, revocation, or suspension of a license or permit by the ~~Commissioner~~
 4446 commissioner if he or she determines that the licensee or permittee has:

4447 (1) Rendered inoperative a portable fire extinguisher or preengineered or engineered fire
 4448 suppression system covered by this chapter, except during such time as the extinguisher
 4449 or preengineered or engineered system is being inspected, recharged, hydrottested,
 4450 repaired, altered, added to, maintained, serviced, or tested or except pursuant to court
 4451 order;

4452 (2) Falsified any record required to be maintained by this chapter or rules or regulations
 4453 adopted pursuant to this chapter or current fire codes enforced by the ~~Commissioner~~
 4454 commissioner;

4455 (3) Improperly installed, recharged, hydrottested, repaired, serviced, modified, altered,
 4456 inspected, or tested a portable fire extinguisher or preengineered or engineered fire
 4457 suppression system;

4458 (4) While holding a permit or license, allowed another person to use the permit or license
 4459 or permit number or license number or used a license or permit or license number or
 4460 permit number other than his or her own valid license or permit or license number or
 4461 permit number;

4462 (5) Failed to provide proof of or failed to maintain the minimum comprehensive liability
 4463 insurance coverage as set forth in paragraph (3) of Code Section 25-12-11;

- 4464 (6) Failed to obtain, retain, or maintain one or more of the qualifications for a license or
 4465 permit required by this chapter;
- 4466 (7) Used credentials, methods, means, or practices to impersonate a representative of the
 4467 ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire marshal,
 4468 or other fire authority having jurisdiction;
- 4469 (8) Installed, recharged, hydrottested, repaired, serviced, modified, altered, inspected,
 4470 maintained, added to, or tested a portable fire extinguisher or preengineered or engineered
 4471 fire suppression system without a current, valid license or permit when such license or
 4472 permit is required by this chapter;
- 4473 (9) Made a material misstatement or misrepresentation or committed a fraud in obtaining
 4474 or attempting to obtain a license or permit; or
- 4475 (10) Failed to notify the ~~Commissioner~~ commissioner, in writing, within 30 days after
 4476 a change of residence, principal business address, or name.
- 4477 (e) In addition, the ~~Commissioner~~ commissioner shall not issue a new license or permit if
 4478 the ~~Commissioner~~ commissioner finds that the circumstance or circumstances for which
 4479 the license or permit was previously suspended or revoked still exist or are likely to recur.

4480 25-12-18.

- 4481 (a) Whenever the ~~Commissioner~~ commissioner shall have reason to believe that any
 4482 individual is or has been violating any provisions of this chapter, the ~~Commissioner~~
 4483 commissioner, his or her deputy, his or her assistant, or other designated persons may issue
 4484 and deliver to the individual an order to cease and desist such violation. An order issued
 4485 under this Code section may be delivered in accordance with the provisions of subsection
 4486 (d) of this Code section.
- 4487 (b) Violation of any provision of this chapter or failure to comply with a cease and desist
 4488 order is cause for revocation of any or all permits and licenses issued by the ~~Commissioner~~
 4489 commissioner for a period of not less than six months and not to exceed five years. If a
 4490 new permit or license has been issued to the person so charged, the order of revocation
 4491 shall operate effectively with respect to such new permits and licenses held by such person.
 4492 In the case of an applicant for a license, certificate, or permit, violation of any provision
 4493 of this title may constitute grounds for refusal of the application. Decisions under this
 4494 subsection may be appealed as provided by law.
- 4495 (c) Any person who violates any provision of this chapter or any rule, regulation, or order
 4496 issued by the ~~Commissioner~~ commissioner under this chapter shall be subject to a civil
 4497 penalty imposed by the ~~Commissioner~~ commissioner of not more than \$1,000.00 for a first
 4498 offense, not less than \$1,000.00 and not more than \$2,000.00 for a second offense, and not
 4499 less than \$2,000.00 or more than \$5,000.00 for a third or subsequent offense. Prior to

4500 subjecting any person or entity to a fine under this subsection, the ~~Commissioner~~
 4501 commissioner or his or her agent shall give written notice to the person or entity by hand
 4502 delivery or by registered or certified mail or statutory overnight delivery, return receipt
 4503 requested, of the existence of the violations. After a reasonable period of time after notice
 4504 is given, an order may be issued based on this Code section. Such order must be delivered
 4505 in accordance with the provisions of subsection (d) of this Code section and must notify
 4506 the person or entity of the right to a hearing with respect to same.

4507 (d) Any order issued by the ~~Commissioner~~ commissioner under this chapter shall contain
 4508 or be accompanied by a notice of opportunity for hearing which may provide that a hearing
 4509 will be held if and only if a person subject to the order requests a hearing within ten days
 4510 of receipt of the order and notice. The order and notice shall be served by delivery by the
 4511 ~~Commissioner~~ commissioner or his or her agent or by registered or certified mail or
 4512 statutory overnight delivery, return receipt requested. Any person who fails to comply with
 4513 any order under this subsection is guilty of a misdemeanor and may be punished as
 4514 provided by law.

4515 (e) In addition to other powers granted to the ~~Commissioner~~ commissioner under this
 4516 chapter, the ~~Commissioner~~ commissioner may bring a civil action to enjoin a violation of
 4517 any provision of this chapter or of any rule, regulation, or order issued by the
 4518 ~~Commissioner~~ commissioner under this chapter.

4519 25-12-19.

4520 (a) Any person, firm, or corporation which violates any provision of this chapter or any
 4521 order, rule, or regulation of the ~~Commissioner~~ commissioner shall be guilty of a
 4522 misdemeanor.

4523 (b) It shall also constitute a misdemeanor willfully or intentionally to:

4524 (1) Obliterate the serial number on a fire suppression system or portable fire extinguisher
 4525 for the purposes of falsifying service records;

4526 (2) Improperly install a fire suppression system or improperly recharge, repair, service,
 4527 or test any such suppression system or any such portable fire extinguisher;

4528 (3) While holding a permit or license, allow another person to use the permit or license
 4529 or permit number or license number or to use a license or permit or license number or
 4530 permit number other than his or her own valid license or permit or license number or
 4531 permit number;

4532 (4) Use or permit the use of any license by an individual or organization other than the
 4533 one to whom the license is issued;

4534 (5) To use any credential, method, means, or practice to impersonate a representative of
 4535 the ~~Commissioner~~ commissioner or the state fire marshal or any local fire chief, fire
 4536 marshal, or other fire authority having jurisdiction; or

4537 (6) To engage in the business of installing, inspecting, recharging, repairing, servicing,
 4538 or testing portable fire extinguishers or fire suppression systems except in conformity
 4539 with the provisions of this chapter and the applicable rules and regulations of the
 4540 ~~Commissioner~~ commissioner.

4541 25-12-20.

4542 Any authority, power, or duty vested in the ~~Commissioner~~ commissioner by any provision
 4543 of this chapter may be exercised, discharged, or performed by a deputy, assistant, or other
 4544 designated employee acting in the ~~Commissioner's~~ commissioner's name and by his or her
 4545 delegated authority. The ~~Commissioner~~ commissioner shall be responsible for the official
 4546 acts of such persons who act in his or her name and by his or her authority.

4547 25-12-21.

4548 (a) All fees collected by the ~~Commissioner~~ commissioner for licenses, permits, and related
 4549 examinations pursuant to the provisions of this chapter shall be deposited in the general
 4550 fund of this state in accordance with applicable laws of this state.

4551 (b) The ~~Commissioner~~ commissioner is authorized to receive grants or gifts for the
 4552 administration of this chapter from parties interested in upgrading and improving the
 4553 quality of fire protection provided by portable fire extinguishers or fire suppression
 4554 systems.

4555 25-12-22.

4556 (a) Nothing in this chapter limits the power of a municipality, a county, or the state to
 4557 require the submission and approval of plans and specifications or to regulate the quality
 4558 and character of work performed by contractors through a system of permits, fees, and
 4559 inspections otherwise authorized by law for the protection of the public health and safety.

4560 (b) No municipality or county shall impose any other requirements on persons licensed or
 4561 permitted by the ~~Commissioner~~ commissioner as set forth in this chapter to prove
 4562 competency to conduct any activity covered by said license or permit.

4563 25-12-23.

4564 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
 4565 succeed to all rules, regulations, policies, procedures, and pending and finalized
 4566 administrative orders of the Safety Fire Commissioner under this chapter which are in

4567 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
 4568 remain in effect until amended, repealed, superseded, or nullified by the board.

4569 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 4570 authorizations previously issued by the Safety Fire Commissioner with respect to any
 4571 function transferred to the Department of Fire Safety shall continue in effect until the same
 4572 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 4573 provided by law.

4574 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
 4575 out all of the functions and obligations and exercise all of the powers formerly held by the
 4576 Safety Fire Commissioner under this chapter."

4577 **PART XI**
 4578 **SECTION 11-1.**

4579 Said title is further amended by revising Chapter 14, relating to Georgia fire safety standard
 4580 and firefighter protection, as follows:

4581 "CHAPTER 14

4582 25-14-1.

4583 This chapter shall be known and may be cited as the 'Georgia Fire Safety Standard and
 4584 Firefighter Protection Act.'

4585 25-14-2.

4586 As used in this chapter, the term:

4587 (1) 'Agent' means any person authorized by the state revenue commissioner to purchase
 4588 and affix stamps on packages of cigarettes.

4589 (2) 'Cigarette' means:

4590 (A) Any roll for smoking made wholly or in part of tobacco when the cover of the roll
 4591 is paper or any substance other than tobacco; or

4592 (B) Any roll for smoking wrapped in any substance containing tobacco which, because
 4593 of its appearance, the type of tobacco used in the filler, or its packaging and labeling,
 4594 is likely to be offered to, or purchased by, consumers as a cigarette as described in
 4595 subparagraph (A) of this paragraph.

4596 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4597 (4) 'Manufacturer' means:

4598 (A) Any entity which manufactures, makes, produces, or causes to be produced
4599 cigarettes sold in this state or cigarettes said entity intends to be sold in this state;

4600 (B) The first purchaser of cigarettes manufactured anywhere that intends to resell such
4601 cigarettes in this state regardless of whether the original manufacturer, maker, or
4602 producer intends such cigarettes to be sold in the United States; or

4603 (C) Any entity which becomes a successor of an entity described in subparagraph (A)
4604 or (B) of this paragraph.

4605 (4.1) 'New York Fire Safety Standards for Cigarettes' means those New York Fire Safety
4606 Standards for Cigarettes in effect on April 1, 2008.

4607 (5) 'Quality control and quality assurance program' means the laboratory procedures
4608 implemented to ensure that operator bias, systematic and nonsystematic methodological
4609 errors, and equipment related problems do not affect the results of the testing. Such a
4610 program ensures that the testing repeatability remains within the required repeatability
4611 values stated in paragraph (6) of subsection (b) of Code Section 25-14-3 for all test trials
4612 used to certify cigarettes in accordance with this chapter.

4613 (6) 'Repeatability' means the range of values within which the repeat results of cigarette
4614 test trials from a single laboratory will fall 95 percent of the time.

4615 (7) 'Retail dealer' means any person, other than a manufacturer or wholesale dealer,
4616 engaged in selling cigarettes or tobacco products.

4617 (8) 'Sale' means any sale, transfer, exchange, theft, barter, gift, or offer for sale and
4618 distribution in any manner or by any means whatever.

4619 (9) 'Sell' means to sell or to offer or agree to do the same.

4620 (10) 'Wholesale dealer' means any person that is not a manufacturer who sells cigarettes
4621 or tobacco products to retail dealers or other persons for purposes of resale. A wholesale
4622 dealer is also any person who owns, operates, or maintains one or more cigarette or
4623 tobacco product vending machines in, at, or upon premises owned or occupied by any
4624 other person.

4625 25-14-3.

4626 (a) Except as provided in subsection (h) of this Code section, no cigarettes may be sold or
4627 offered for sale in this state or offered for sale or sold to persons located in this state unless
4628 the cigarettes have been tested in accordance with the test method and meet the
4629 performance standard specified in this Code section, a written certification has been filed
4630 by the manufacturer in accordance with Code Section 25-14-4, and the cigarettes have been
4631 marked in accordance with Code Section 25-14-5.

4632 (b)(1) Testing of cigarettes shall be conducted in accordance with the American Society
4633 of Testing and Materials (ASTM) Standard E2187-04, 'Standard Test Method for
4634 Measuring the Ignition Strength of Cigarettes.'

4635 (2) Testing shall be conducted on ten layers of filter paper.

4636 (3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this
4637 Code section shall exhibit full-length burns. Forty replicate tests shall comprise a
4638 complete test trial for each cigarette tested.

4639 (4) The performance standard required by this Code section shall only be applied to a
4640 complete test trial.

4641 (5) Written certifications shall be based upon testing conducted by a laboratory that has
4642 been accredited pursuant to standard ISO/IEC 17025 of the International Organization
4643 for Standardization (ISO) or other comparable accreditation standard required by the
4644 ~~Commissioner~~ commissioner.

4645 (6) Laboratories conducting testing in accordance with this Code section shall implement
4646 a quality control and quality assurance program that includes a procedure that will
4647 determine the repeatability of the testing results. The repeatability value shall be no
4648 greater than 0.19.

4649 (7) This Code section does not require additional testing if cigarettes are tested consistent
4650 with this chapter for any other purpose.

4651 (8) Testing performed or sponsored by the ~~Commissioner~~ commissioner to determine a
4652 cigarette's compliance with the performance standard required shall be conducted in
4653 accordance with this Code section.

4654 (c) Each cigarette listed in a certification submitted pursuant to Code Section 25-14-4 that
4655 uses lowered permeability bands in the cigarette paper to achieve compliance with the
4656 performance standard set forth in this Code section shall have at least two nominally
4657 identical bands on the paper surrounding the tobacco column. At least one complete band
4658 shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes
4659 on which the bands are positioned by design, there shall be at least two bands fully located
4660 at least 15 millimeters from the lighting end and ten millimeters from the filter end of the
4661 tobacco column, or ten millimeters from the labeled end of the tobacco column for
4662 nonfiltered cigarettes.

4663 (d) A manufacturer of a cigarette that the ~~Commissioner~~ commissioner determines cannot
4664 be tested in accordance with the test method prescribed in paragraph (1) of subsection (b)
4665 of this Code section shall propose a test method and performance standard for the cigarette
4666 to the ~~Commissioner~~ commissioner. Upon approval of the proposed test method and a
4667 determination by the ~~Commissioner~~ commissioner that the performance standard proposed
4668 by the manufacturer is equivalent to the performance standard prescribed in paragraph (3)

4669 of subsection (b) of this Code section, the manufacturer may employ such test method and
4670 performance standard to certify such cigarette pursuant to Code Section 25-14-4. If the
4671 ~~Commissioner~~ commissioner determines that another state has enacted reduced cigarette
4672 ignition propensity standards that include a test method and performance standard that are
4673 the same as those contained in this chapter, and the ~~Commissioner~~ commissioner finds that
4674 the officials responsible for implementing those requirements have approved the proposed
4675 alternative test method and performance standard for a particular cigarette proposed by a
4676 manufacturer as meeting the fire safety standards of that state's law or regulation under a
4677 legal provision comparable to this Code section, then the ~~Commissioner~~ commissioner
4678 shall authorize that manufacturer to employ the alternative test method and performance
4679 standard to certify that cigarette for sale in this state, unless the ~~Commissioner~~
4680 commissioner demonstrates a reasonable basis why the alternative test should not be
4681 accepted under this chapter. All other applicable requirements of this Code section shall
4682 apply to the manufacturer.

4683 (e) Each manufacturer shall maintain copies of the reports of all tests conducted on all
4684 cigarettes offered for sale for a period of three years, and shall make copies of these reports
4685 available to the ~~Commissioner~~ commissioner and the Attorney General upon written
4686 request. Any manufacturer who fails to make copies of these reports available within 60
4687 days of receiving a written request shall be subject to a civil penalty not to exceed
4688 \$10,000.00 for each day after the sixtieth day that the manufacturer does not make such
4689 copies available.

4690 (f) The ~~Commissioner~~ commissioner may adopt a subsequent ASTM Standard Test
4691 Method for Measuring the Ignition Strength of Cigarettes upon a finding that such
4692 subsequent method does not result in a change in the percentage of full-length burns
4693 exhibited by any tested cigarette when compared to the percentage of full-length burns the
4694 same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04
4695 and the performance standard in paragraph (3) of subsection (b) of this Code section.

4696 (g) The ~~Commissioner~~ commissioner shall review the effectiveness of this Code section
4697 and report his or her findings every three years to the General Assembly and, if appropriate,
4698 recommendations for legislation to improve the effectiveness of this chapter. The report
4699 and legislative recommendations shall be submitted no later than June 30 following the
4700 conclusion of each three-year period.

4701 (h) The requirements of subsection (a) of this Code section shall not prohibit:

4702 (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or
4703 after January 1, 2010, if the wholesale or retailer dealer can establish that state tax stamps
4704 were affixed to the cigarettes prior to January 1, 2010, and if the wholesale or retailer
4705 dealer can establish that the inventory was purchased prior to January 1, 2010, in

- 4706 comparable quantity to the inventory purchased during the same period of the prior year;
 4707 or
- 4708 (2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this
 4709 paragraph, the term 'consumer testing' shall mean an assessment of cigarettes that is
 4710 conducted by a manufacturer, or under the control and direction of a manufacturer, for
 4711 the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the
 4712 quantity of cigarettes that is reasonably necessary for such assessment.
- 4713 (i) This chapter shall be implemented in accordance with the implementation and
 4714 substance of the New York Fire Safety Standards for Cigarettes.
- 4715 25-14-4.
- 4716 (a) Each manufacturer shall submit to the ~~Commissioner~~ commissioner a written
 4717 certification attesting that:
- 4718 (1) Each cigarette listed in the certification has been tested in accordance with Code
 4719 Section 25-14-3; and
- 4720 (2) Each cigarette listed in the certification meets the performance standard set forth in
 4721 paragraph (3) of subsection (b) of Code Section 25-14-3.
- 4722 (b) Each cigarette listed in the certification shall be described with the following
 4723 information:
- 4724 (1) Brand or trade name on the package;
 4725 (2) Style, such as light or ultra light;
 4726 (3) Length in millimeters;
 4727 (4) Circumference in millimeters;
 4728 (5) Flavor, such as menthol or chocolate, if applicable;
 4729 (6) Filter or nonfilter;
 4730 (7) Package description, such as soft pack or box;
 4731 (8) Marking approved in accordance with Code Section 25-14-5;
 4732 (9) The name, address, and telephone number of the laboratory, if different from the
 4733 manufacturer that conducted the test; and
 4734 (10) The date that the testing occurred.
- 4735 (c) The certifications shall also be made available to the Attorney General for purposes
 4736 consistent with this chapter and to the state revenue commissioner for the purposes of
 4737 ensuring compliance with this Code section.
- 4738 (d) Each cigarette certified under this Code section shall be recertified every three years.
- 4739 (e) For each cigarette listed in a certification, a manufacturer shall pay to the
 4740 ~~Commissioner~~ commissioner a fee of \$250.00.

4741 (f) If a manufacturer has certified a cigarette pursuant to this Code section and thereafter
 4742 makes any change to such cigarette that is likely to alter its compliance with the reduced
 4743 cigarette ignition propensity standards required by this chapter, that cigarette shall not be
 4744 sold or offered for sale in this state until the manufacturer retests the cigarette in
 4745 accordance with the testing standards set forth in Code Section 25-14-3 and maintains
 4746 records of that retesting as required by Code Section 25-14-3. Any altered cigarette which
 4747 does not meet the performance standard set forth in Code Section 25-14-3 shall not be sold
 4748 in this state.

4749 25-14-5.

4750 (a) Cigarettes that are certified by a manufacturer in accordance with Code
 4751 Section 25-14-4 shall be marked to indicate compliance with the requirements of Code
 4752 Section 25-14-3. The marking shall be in eight-point type or larger and consist of:

4753 (1) Modification of the Universal Product Code to include a visible mark printed at or
 4754 around the area of the Universal Product Code. The mark may consist of alphanumeric
 4755 or symbolic characters permanently stamped, engraved, embossed, or printed in
 4756 conjunction with the Universal Product Code;

4757 (2) Any visible combination of alphanumeric or symbolic characters permanently
 4758 stamped, engraved, or embossed upon the cigarette packaging or cellophane wrap; or

4759 (3) Printed, stamped, engraved, or embossed text on the cigarette packaging or
 4760 cellophane wrap that indicates that the cigarettes meet Georgia standards.

4761 (b) A manufacturer shall use only one marking and shall apply this marking uniformly for
 4762 all packages, including but not limited to packs, cartons, and cases, and brands marketed
 4763 by that manufacturer.

4764 (c) The ~~Commissioner~~ commissioner shall be notified as to the marking that is selected.

4765 (d) Prior to the certification of any cigarette, a manufacturer shall present its proposed
 4766 marking to the ~~Commissioner~~ commissioner for approval. Upon receipt of the request, the
 4767 ~~Commissioner~~ commissioner shall approve or disapprove the marking offered. The
 4768 ~~Commissioner~~ commissioner shall approve:

4769 (1) Any marking in use and approved for sale in New York pursuant to the New York
 4770 Fire Safety Standards for Cigarettes; or

4771 (2) The letters 'FSC,' which signifies Fire Standards Compliant, appearing in eight-point
 4772 type or larger and permanently printed, stamped, engraved, or embossed on the package
 4773 at or near the Universal Product Code.

4774 Proposed markings shall be deemed approved if the ~~Commissioner~~ commissioner fails to
 4775 act within ten business days of receiving a request for approval.

4776 (e) No manufacturer shall modify its approved marking unless the modification has been
4777 approved by the ~~Commissioner~~ commissioner in accordance with this Code section.

4778 (f) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall
4779 provide a copy of the certifications to all wholesale dealers and agents to which they sell
4780 cigarettes and shall also provide sufficient copies of an illustration of the package marking
4781 utilized by the manufacturer pursuant to this Code section for each retail dealer to which
4782 the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide
4783 a copy of these package markings received from manufacturers to all retail dealers to which
4784 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the
4785 ~~Commissioner~~ commissioner, the state revenue commissioner, the Attorney General, and
4786 their employees to inspect markings of cigarette packaging marked in accordance with this
4787 Code section.

4788 25-14-6.

4789 (a) A manufacturer, wholesale dealer, agent, or any other person or entity who knowingly
4790 sells or offers to sell cigarettes, other than through retail sale, in violation of Code
4791 Section 25-14-3, for a first offense shall be subject to a civil penalty not to exceed \$100.00
4792 ~~dollars~~ for each pack of such cigarettes sold or offered for sale, provided that in no case
4793 shall the penalty against any such person or entity exceed \$100,000.00 during any 30 day
4794 period.

4795 (b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of Code
4796 Section 25-14-3 shall be subject to a civil penalty not to exceed \$100.00 for each pack of
4797 such cigarettes, provided that in no case shall the penalty against any retail dealer exceed
4798 \$25,000.00 during any 30 day period.

4799 (c) In addition to any penalty prescribed by law, any corporation, partnership, sole
4800 proprietor, limited partnership, or association engaged in the manufacture of cigarettes that
4801 knowingly makes a false certification pursuant to Code Section 25-14-4 shall be subject
4802 to a civil penalty of at least \$75,000.00 and not to exceed \$250,000.00 for each such false
4803 certification.

4804 (d) Any person violating any other provision in this chapter shall be subject to a civil
4805 penalty for a first offense not to exceed \$1,000.00, and for a subsequent offense subject to
4806 a civil penalty not to exceed \$5,000.00, for each such violation.

4807 (e) Any cigarettes that have been sold or offered for sale that do not comply with the
4808 performance standard required by Code Section 25-14-3 shall be subject to forfeiture and,
4809 upon forfeiture, shall be destroyed; provided, however, that prior to the destruction of any
4810 cigarette pursuant to this Code section, the true holder of the trademark rights in the
4811 cigarette brand shall be permitted to inspect the cigarette.

4812 (f) In addition to any other remedy provided by law, the ~~Commissioner~~ commissioner or
 4813 Attorney General may file an action in superior court for a violation of this chapter,
 4814 including petitioning for injunctive relief or to recover any costs or damages suffered by
 4815 the state because of a violation of this chapter, including enforcement costs relating to the
 4816 specific violation and attorney's fees. Each violation of this chapter or of rules or
 4817 regulations adopted under this chapter constitutes a separate civil violation for which the
 4818 ~~Commissioner~~ commissioner or Attorney General may obtain relief.

4819 (g) Whenever any law enforcement personnel or duly authorized representative of the
 4820 ~~Commissioner~~ commissioner or Attorney General shall discover any cigarettes that have
 4821 not been marked in the manner required under Code Section 25-14-5, such personnel are
 4822 hereby authorized and empowered to seize and take possession of such cigarettes. Such
 4823 cigarettes shall be turned over to the state revenue commissioner and shall be forfeited to
 4824 the state. Cigarettes seized pursuant to this subsection shall be destroyed; provided,
 4825 however, that prior to the destruction of any cigarette seized pursuant to this subsection,
 4826 the true holder of the trademark rights in the cigarette brand shall be permitted to inspect
 4827 the cigarette.

4828 25-14-7.

4829 (a) The ~~Commissioner~~ commissioner may promulgate rules and regulations, pursuant to
 4830 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' necessary to effectuate
 4831 the purposes of this chapter.

4832 (b) The state revenue commissioner in the regular course of conducting inspections of
 4833 wholesale dealers, agents, and retail dealers, as authorized under Chapter 11 of Title 48,
 4834 may inspect such cigarettes to determine if the cigarettes are marked as required by Code
 4835 Section 25-14-5. If the cigarettes are not marked as required, the state revenue
 4836 commissioner shall notify the ~~Commissioner~~ commissioner.

4837 25-14-8.

4838 To enforce the provisions of this chapter, the Attorney General and the ~~Commissioner~~
 4839 commissioner, their duly authorized representatives, and other law enforcement personnel
 4840 shall be authorized to examine the books, papers, invoices, and other records of any person
 4841 in possession, control, or occupancy of any premises where cigarettes are placed, stored,
 4842 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person
 4843 in the possession, control, or occupancy of any premises where cigarettes are placed, sold,
 4844 or offered for sale shall be directed and required to give the Attorney General and the
 4845 ~~Commissioner~~ commissioner, their duly authorized representatives, and other law

4846 enforcement personnel the means, facilities, and opportunity for the examinations
4847 authorized by this Code section.

4848 25-14-9.

4849 Nothing in this chapter shall be construed to prohibit any person or entity from
4850 manufacturing or selling cigarettes that do not meet the requirements of Code
4851 Section 25-14-3 if the cigarettes are not for sale in this state or are packaged for sale
4852 outside the United States, and that person or entity has taken reasonable steps to ensure that
4853 such cigarettes will not be sold or offered for sale to persons located in this state.

4854 25-14-10.

4855 This chapter shall cease to be applicable if federal reduced cigarette ignition propensity
4856 standards that preempt this chapter are enacted.

4857 25-14-11.

4858 If, after the date specified in paragraph (4.1) of Code Section 25-14-2, the New York safety
4859 standards are changed, then the ~~Commissioner~~ commissioner shall suggest proposed
4860 legislation to the chairpersons of the appropriate standing committees of the General
4861 Assembly as designated by the presiding officer of each house. Such proposed legislation
4862 shall contain provisions necessary to bring paragraph (4.1) of Code Section 25-14-2 into
4863 accordance with the New York safety standards.

4864 25-14-12.

4865 (a) The Board of Fire Safety, the commissioner, and the Department of Fire Safety shall
4866 succeed to all rules, regulations, policies, procedures, and pending and finalized
4867 administrative orders of the Safety Fire Commissioner under this chapter which are in
4868 effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders shall
4869 remain in effect until amended, repealed, superseded, or nullified by the board.

4870 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
4871 authorizations previously issued by the Safety Fire Commissioner with respect to any
4872 function transferred to the Department of Fire Safety shall continue in effect until the same
4873 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
4874 provided by law.

4875 (c) Effective July 1, 2019, the commissioner and the Department of Fire Safety shall carry
4876 out all of the functions and obligations and exercise all of the powers formerly held by the
4877 Safety Fire Commissioner under this chapter."

PART XII
SECTION 12-1.

Said title is further amended by revising Chapter 15, relating to other safety inspections and regulations, as follows:

~~"CHAPTER 15~~
~~ARTICLE 1~~

~~25-15-1.~~

~~(a) The office of Safety Fire Commissioner shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Labor in effect on June 30, 2012, or scheduled to go into effect on or after July 1, 2012, and which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Labor in effect on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper authority or as otherwise provided by law.~~

~~(b) Any proceedings or other matters pending before the Department of Labor or Commissioner of Labor on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall be transferred to the office of Safety Fire Commissioner on July 1, 2012.~~

~~(c) The rights, privileges, entitlements, obligations, and duties of parties to contracts, leases, agreements, and other transactions as identified by the Office of Planning and Budget entered into before July 1, 2012, by the Department of Labor which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall continue to exist, and none of these rights, privileges, entitlements, obligations, and duties are impaired or diminished by reason of the transfer of the functions to the office of Safety Fire Commissioner. In all such instances, the office of Safety Fire Commissioner shall be substituted for the Department of Labor, and the office of Safety Fire Commissioner shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.~~

~~(d) All persons employed by the Department of Labor in capacities which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 on June 30, 2012, shall, on July 1, 2012, become employees of the office of Safety Fire Commissioner in similar capacities, as determined by the Commissioner of Insurance. Such employees shall be subject to the employment practices and policies of the office of Safety Fire Commissioner on and after July 1, 2012, but the compensation and benefits of such transferred employees shall not be reduced as a result of such transfer. Employees who are subject to the rules of the State Personnel Board and who are transferred to the office shall retain all existing rights under such rules. Accrued annual and sick leave possessed by the transferred employees on June 30, 2012, shall be retained by such employees as employees of the office of Safety Fire Commissioner.~~

~~(e) On July 1, 2012, the office of Safety Fire Commissioner shall receive custody of the state owned real property in the custody of the Department of Labor on June 30, 2012, and which pertains to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8.~~

~~(f) The Safety Fire Commissioner shall provide a report to the House Committee on Governmental Affairs and the Senate Government Oversight Committee prior to the first day of the 2013 regular session of the Georgia General Assembly outlining the effects and results of this Code section and providing information on any problems or concerns with respect to the implementation of this Code section. Reserved.~~

ARTICLE 2

25-15-10.

This article shall be known and may be cited as the 'Boiler and Pressure Vessel Safety Act' and, except as otherwise provided in this article, shall apply to all boilers and pressure vessels.

25-15-11.

As used in this article, the term:

(1) 'Boiler' means a closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electricity, solar, or nuclear energy. The term 'boiler' shall include fired units for heating or vaporizing liquids other

4944 than water where these units are separate from processing systems and are complete
4945 within themselves. The term 'boiler' is further defined as follows:

4946 (A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding
4947 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or
4948 temperatures not exceeding 250 degrees Fahrenheit.

4949 (B) 'High pressure, high temperature water boiler' means a water boiler operating at
4950 pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

4951 (C) 'Power boiler' means a boiler in which steam or other vapor is generated at a
4952 pressure of more than 15 psig.

4953 (2) 'Certificate of inspection' means an inspection, the report of which is used by the
4954 chief inspector to determine whether or not a certificate as provided by subsection (c) of
4955 Code Section 25-15-24 may be issued.

4956 (3) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

4957 (4) '~~Office~~' 'Department' means the ~~office of Safety Fire Commissioner~~ Department of
4958 Fire Safety.

4959 (5) 'Pressure vessel' means a vessel other than those vessels defined in paragraph (1) of
4960 this Code section in which the pressure is obtained from an external source or by the
4961 application of heat.

4962 25-15-12.

4963 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
4964 knowledgeable in the areas of construction, use, or safety of boilers and pressure vessels
4965 and to create committees composed of such consultants to assist the ~~Commissioner~~
4966 commissioner in carrying out his or her duties under this article.

4967 25-15-13.

4968 (a)(1) The ~~office~~ department shall formulate definitions, rules, and regulations for the
4969 safe construction, installation, inspection, maintenance, and repair of boilers and pressure
4970 vessels in this state.

4971 (2) The definitions, rules, and regulations so formulated for new construction shall be
4972 based upon and at all times follow the generally accepted nation-wide engineering
4973 standards, formulas, and practices established and pertaining to boiler and pressure vessel
4974 construction and safety; and the ~~office~~ department may adopt an existing published
4975 codification thereof, known as the Boiler and Pressure Vessel Code of the American
4976 Society of Mechanical Engineers, with the amendments and interpretations thereto made
4977 and approved by the council of the society, and may likewise adopt the amendments and
4978 interpretations subsequently made and published by the same authority. When so

4979 adopted, the same shall be deemed to be incorporated into and shall constitute a part of
 4980 the whole of the definitions, rules, and regulations of the office department. Amendments
 4981 and interpretations to the code so adopted shall be effective immediately upon being
 4982 promulgated, to the end that the definitions, rules, and regulations shall at all times follow
 4983 the generally accepted nation-wide engineering standards.

4984 (3) The office department shall formulate the rules and regulations for the inspection,
 4985 maintenance, and repair of boilers and pressure vessels which were in use in this state
 4986 prior to the date upon which the first rules and regulations under this article pertaining
 4987 to existing installations become effective or during the 12 month period immediately
 4988 thereafter. The rules and regulations so formulated shall be based upon and at all times
 4989 follow generally accepted nation-wide engineering standards and practices and may adopt
 4990 sections of the Inspection Code of the National Board of Boiler and Pressure Vessel
 4991 Inspectors or API 510 of the American Petroleum Institute, as applicable.

4992 (b) The rules and regulations and any subsequent amendments thereto formulated by the
 4993 office department shall, immediately following a hearing upon not less than 20 days' notice
 4994 as provided in this article, be approved and published and when so promulgated shall have
 4995 the force and effect of law, except that the rules applying to the construction of new boilers
 4996 and pressure vessels shall not become mandatory until 12 months after their promulgation
 4997 by the office department. Notice of the hearing shall give the time and place of the hearing
 4998 and shall state the matters to be considered at the hearing. Such notice shall be given to all
 4999 persons directly affected by such hearing. In the event all persons directly affected are
 5000 unknown, notice may be perfected by publication in a newspaper of general circulation in
 5001 this state at least 20 days prior to such hearing.

5002 (c) Subsequent amendments to the rules and regulations adopted by the office department
 5003 shall be permissive immediately and shall become mandatory 12 months after their
 5004 promulgation.

5005 25-15-14.

5006 No boiler or pressure vessel which does not conform to the rules and regulations of the
 5007 office department governing new construction and installation shall be installed and
 5008 operated in this state after 12 months from the date upon which the first rules and
 5009 regulations under this article pertaining to new construction and installation shall have
 5010 become effective, unless the boiler or pressure vessel is of special design or construction
 5011 and is not inconsistent with the spirit and safety objectives of such rules and regulations,
 5012 in which case a special installation and operating permit may at its discretion be granted
 5013 by the office department.

5014 25-15-15.

5015 (a) The maximum allowable working pressure of a boiler carrying the ASME Code
5016 symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be
5017 determined by the applicable sections of the code under which it was constructed and
5018 stamped. Subject to the concurrence of the enforcement authority at the point of
5019 installation, such a boiler or pressure vessel may be rerated in accordance with the rules of
5020 a later edition of the ASME Code and in accordance with the rules of the National Board
5021 Inspection Code or API 510, as applicable.

5022 (b) The maximum allowable working pressure of a boiler or pressure vessel which does
5023 not carry the ASME or the API-ASME Code symbol shall be computed in accordance with
5024 the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

5025 (c) This article shall not be construed as in any way preventing the use, sale, or
5026 reinstallation of a boiler or pressure vessel referred to in this Code section, provided that
5027 it has been made to conform to the rules and regulations of the office governing existing
5028 installations; and provided, further, that it has not been found upon inspection to be in an
5029 unsafe condition.

5030 25-15-16.

5031 (a) This article shall not apply to the following boilers and pressure vessels:

5032 (1) Boilers and pressure vessels under federal control or under regulations of 49 C.F.R.
5033 192 and 193;

5034 (2) Pressure vessels used for transportation and storage of compressed or liquefied gases
5035 when constructed in compliance with specifications of the United States Department of
5036 Transportation and when charged with gas or liquid, marked, maintained, and
5037 periodically requalified for use, as required by appropriate regulations of the United
5038 States Department of Transportation;

5039 (3) Pressure vessels located on vehicles operating under the rules of other state or federal
5040 authorities and used for carrying passengers or freight;

5041 (4) Air tanks installed on the right of way of railroads and used directly in the operation
5042 of trains;

5043 (5) Pressure vessels that do not exceed:

5044 (A) Five cubic feet in volume and 250 psig pressure; or

5045 (B) One and one-half cubic feet in volume and 600 psig pressure; or

5046 (C) An inside diameter of six inches with no limitation on pressure;

5047 (6) Pressure vessels having an internal or external working pressure not exceeding 15
5048 psig with no limit on size;

- 5049 (7) Pressure vessels with a nominal water-containing capacity of 120 gallons or less for
 5050 containing water under pressure, including those containing air, the compression of which
 5051 serves only as a cushion;
- 5052 (8) Pressure vessels containing water heated by steam or any other indirect means when
 5053 none of the following limitations are exceeded:
- 5054 (A) A heat input of 200,000 BTU per hour;
 - 5055 (B) A water temperature of 210 degrees Fahrenheit; and
 - 5056 (C) A nominal water-containing capacity of 120 gallons;
- 5057 (9) Hot water supply boilers which are directly fired with oil, gas, or electricity when
 5058 none of the following limitations are exceeded:
- 5059 (A) Heat input of 200,000 BTU per hour;
 - 5060 (B) Water temperature of 210 degrees Fahrenheit; and
 - 5061 (C) Nominal water-containing capacity of 120 gallons.
- 5062 These exempt hot water supply boilers shall be equipped with ASME-National Board
 5063 approved safety relief valves;
- 5064 (10) Pressure vessels in the care, custody, and control of research facilities and used
 5065 solely for research purposes which require one or more details of noncode construction
 5066 or which involve destruction or reduced life expectancy of those vessels;
- 5067 (11) Pressure vessels or other structures or components that are not considered to be
 5068 within the scope of ASME Code, Section VIII;
- 5069 (12) Boilers and pressure vessels operated and maintained for the production and
 5070 generation of electricity; provided, however, that any person, firm, partnership, or
 5071 corporation operating such a boiler or pressure vessel has insurance or is self-insured and
 5072 such boiler or pressure vessel is regularly inspected in accordance with the minimum
 5073 requirements for safety as defined in the ASME Code by an inspector who has been
 5074 issued a certificate of competency by the ~~Commissioner~~ commissioner in accordance
 5075 with the provisions of Code Section 25-15-19;
- 5076 (13) Boilers and pressure vessels operated and maintained as a part of a manufacturing
 5077 process; provided, however, that any person, firm, partnership, or corporation operating
 5078 such a boiler or pressure vessel has insurance or is self-insured and such boiler or
 5079 pressure vessel is regularly inspected in accordance with the minimum requirements for
 5080 safety as defined in the ASME Code by an inspector who has been issued a certificate of
 5081 competency by the ~~Commissioner~~ commissioner in accordance with the provisions of
 5082 Code Section 25-15-19;
- 5083 (14) Boilers and pressure vessels operated and maintained by a public utility; and
- 5084 (15) Autoclaves used only for the sterilization of reusable medical or dental implements
 5085 in the place of business of any professional licensed by the laws of this state.

5086 (b) The following boilers and pressure vessels shall be exempt from the requirements of
 5087 subsections (b), (c), and (d) of Code Section 25-15-23 and Code Sections 25-15-24 and
 5088 25-15-26:

5089 (1) Boilers or pressure vessels located on farms and used solely for agricultural or
 5090 horticultural purposes;

5091 (2) Heating boilers or pressure vessels which are located in private residences or in
 5092 apartment houses of less than six family units;

5093 (3) Any pressure vessel used as an external part of an electrical circuit breaker or
 5094 transformer;

5095 (4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than
 5096 ten buildings intended for human occupancy per 0.25 square mile and where the closest
 5097 building is at least 220 yards from any vessel;

5098 (5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the
 5099 state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas,
 5100 2,000 gallons or above, which have been modified or altered; and

5101 (6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig
 5102 pressure.

5103 25-15-17.

5104 (a) The ~~Commissioner~~ commissioner may appoint to be chief inspector a citizen of this
 5105 state or, if not available, a citizen of another state, who shall have had at the time of such
 5106 appointment not less than five years' experience in the construction, installation, inspection,
 5107 operation, maintenance, or repair of high pressure boilers and pressure vessels as a
 5108 mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who
 5109 shall have passed the same kind of examination as that prescribed under Code Section
 5110 25-15-20. Such chief inspector may be removed for cause after due investigation by the
 5111 ~~Commissioner~~ commissioner.

5112 (b) The chief inspector, if authorized by the ~~Commissioner~~ commissioner, is charged,
 5113 directed, and empowered:

5114 (1) To take action necessary for the enforcement of the laws of this state governing the
 5115 use of boilers and pressure vessels to which this article applies and of the rules and
 5116 regulations of the ~~office~~ department;

5117 (2) To keep a complete record of the name of each owner or user and his or her location
 5118 and, except for pressure vessels covered by an owner or user inspection service, the type,
 5119 dimensions, maximum allowable working pressure, age, and the last recorded inspection
 5120 of all boilers and pressure vessels to which this article applies;

- 5121 (3) To publish in print or electronically and make available to anyone requesting them
 5122 copies of the rules and regulations promulgated by the ~~office~~ department;
- 5123 (4) To issue or to suspend or revoke for cause inspection certificates as provided for in
 5124 Code Section 25-15-24; and
- 5125 (5) To cause the prosecution of all violators of the provisions of this article.

5126 25-15-18.

5127 The ~~Commissioner~~ commissioner may employ deputy inspectors who shall be responsible
 5128 to the chief inspector and who shall have had at the time of appointment not less than three
 5129 years' experience in the construction, installation, inspection, operation, maintenance, or
 5130 repair of high pressure boilers and pressure vessels as a mechanical engineer, steam
 5131 operating engineer, boilermaker, or boiler inspector and who shall have passed the
 5132 examination provided for in Code Section 25-15-20.

5133 25-15-19.

5134 (a) In addition to the deputy inspectors authorized by Code Section 25-15-18 the
 5135 ~~Commissioner~~ commissioner shall, upon the request of any company licensed to insure and
 5136 insuring in this state boilers and pressure vessels or upon the request of any company
 5137 operating pressure vessels in this state for which the owner or user maintains a regularly
 5138 established inspection service which is under the supervision of one or more technically
 5139 competent individuals whose qualifications are satisfactory to the ~~office~~ department and
 5140 causes such pressure vessels to be regularly inspected and rated by such inspection service
 5141 in accordance with applicable provisions of the rules and regulations adopted by the ~~office~~
 5142 department pursuant to Code Section 25-15-13, issue to any inspectors of such insurance
 5143 company certificates of competency as special inspectors and to any inspectors of such
 5144 company operating pressure vessels certificates of competency as owner or user inspectors,
 5145 provided that each such inspector before receiving his or her certificate of competency shall
 5146 satisfactorily pass the examination provided for by Code Section 25-15-20 or, in lieu of
 5147 such examination, shall hold a commission or a certificate of competency as an inspector
 5148 of boilers or pressure vessels for a state that has a standard of examination substantially
 5149 equal to that of this state or a commission as an inspector of boilers and pressure vessels
 5150 issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of
 5151 competency as an owner or user inspector shall be issued to an inspector of a company
 5152 operating pressure vessels in this state only if, in addition to meeting the requirements
 5153 stated in this Code section, the inspector is employed full time by the company and is
 5154 responsible for making inspections of pressure vessels used or to be used by such company
 5155 and which are not for resale.

5156 (b) Such special inspectors or owner or user inspectors shall receive no salary from nor
 5157 shall any of their expenses be paid by the state, and the continuance of their certificates of
 5158 competency shall be conditioned upon their continuing in the employ of the boiler
 5159 insurance company duly authorized or in the employ of the company so operating pressure
 5160 vessels in this state and upon their maintenance of the standards imposed by this article.

5161 (c) Such special inspectors or owner or user inspectors may inspect all boilers and pressure
 5162 vessels insured or all pressure vessels operated by their respective companies; and, when
 5163 so inspected, the owners and users of such boilers and pressure vessels shall be exempt
 5164 from the payment to the state of the inspection fees as prescribed in rules and regulations
 5165 promulgated by the ~~Commissioner~~ commissioner.

5166 25-15-20.

5167 The examination for chief, deputy, special, or owner or user inspectors shall be in writing
 5168 and shall be held by the ~~office~~ department or by an examining board appointed in
 5169 accordance with the requirements of the National Board of Boiler and Pressure Vessel
 5170 Inspectors, with at least two members present at all times during the examination. Such
 5171 examination shall be confined to questions the answers to which will aid in determining the
 5172 fitness and competency of the applicant for the intended service and may be those prepared
 5173 by the National Board of Boiler and Pressure Vessel Inspectors. In case an applicant fails
 5174 to pass the examination, he or she may appeal to the ~~office~~ department for another
 5175 examination which shall be given by the ~~office~~ department or the appointed examining
 5176 board after 90 days. The record of an applicant's examination shall be accessible to the
 5177 applicant and his or her employer.

5178 25-15-21.

5179 (a) An inspector's certificate of competency may be suspended by the ~~Commissioner~~
 5180 commissioner after due investigation for the incompetence or untrustworthiness of the
 5181 holder thereof or for willful falsification of any matter or statement contained in his or her
 5182 application or in a report of any inspection made by him or her. Written notice of any such
 5183 suspension shall be given by the ~~Commissioner~~ commissioner within not more than ten
 5184 days thereof to the inspector and his or her employer. A person whose certificate of
 5185 competency has been suspended shall be entitled to an appeal as provided in Code Section
 5186 25-15-28 and to be present in person and to be represented by counsel at the hearing of the
 5187 appeal.

5188 (b) If the ~~office~~ department has reason to believe that an inspector is no longer qualified
 5189 to hold his or her certificate of competency, the ~~office~~ department shall provide written
 5190 notice to the inspector and his or her employer of the ~~office's~~ department's determination

5191 and the right to an appeal as provided in Code Section 25-15-28. If, as a result of such
 5192 hearing, the inspector has been determined to be no longer qualified to hold his or her
 5193 certificate of competency, the ~~Commissioner~~ commissioner shall thereupon revoke such
 5194 certificate of competency forthwith.

5195 (c) A person whose certificate of competency has been suspended shall be entitled to
 5196 apply, after 90 days from the date of such suspension, for reinstatement of such certificate
 5197 of competency.

5198 25-15-22.

5199 If a certificate of competency is lost or destroyed, a new certificate of competency shall be
 5200 issued in its place without another examination.

5201 25-15-23.

5202 (a) The ~~Commissioner~~ commissioner, the chief inspector, or any deputy inspector shall
 5203 have free access, during reasonable hours, to any premises in this state where a boiler or
 5204 pressure vessel is being constructed for use in, or is being installed in, this state for the
 5205 purpose of ascertaining whether such boiler or pressure vessel is being constructed and
 5206 installed in accordance with the provisions of this article.

5207 (b)(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to
 5208 be used within this state, except for pressure vessels covered by an owner or user
 5209 inspection service as described in subsection (d) of this Code section or except for boilers
 5210 or pressure vessels exempt under Code Section 25-15-16 (owners and users may request
 5211 to waive this exemption), shall be thoroughly inspected as to their construction,
 5212 installation, and condition as follows:

5213 (A) Power boilers and high pressure, high temperature water boilers shall receive a
 5214 certificate inspection annually which shall be an internal inspection where construction
 5215 permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall
 5216 also be externally inspected while under pressure, if possible;

5217 (B) Low pressure steam or vapor heating boilers shall receive a certificate inspection
 5218 biennially with an internal inspection every four years where construction permits;

5219 (C) Hot water heating and hot water supply boilers shall receive a certificate inspection
 5220 biennially with an internal inspection at the discretion of the inspector;

5221 (D) Pressure vessels subject to internal corrosion shall receive a certificate inspection
 5222 triennially with an internal inspection at the discretion of the inspector. Pressure
 5223 vessels not subject to internal corrosion shall receive a certificate of inspection at
 5224 intervals set by the ~~office~~ department; and

5225 (E) Nuclear vessels within the scope of this article shall be inspected and reported in
 5226 such form and with such appropriate information as the ~~office~~ department shall
 5227 designate.

5228 (2) A grace period of two months beyond the periods specified in subparagraphs (A)
 5229 through (D) of this paragraph may elapse between certificate inspections.

5230 (3) The ~~office~~ department may provide for longer periods between certificate inspection
 5231 in its rules and regulations.

5232 (4) Under the provisions of this article, the ~~office~~ department is responsible for providing
 5233 for the safety of life, limb, and property and therefore has jurisdiction over the
 5234 interpretation and application of the inspection requirements as provided for in the rules
 5235 and regulations which it has promulgated. The person conducting the inspection during
 5236 construction and installation shall certify as to the minimum requirements for safety as
 5237 defined in the ASME Code. Inspection requirements of operating equipment shall be in
 5238 accordance with generally accepted practice and compatible with the actual service
 5239 conditions, such as:

5240 (A) Previous experience, based on records of inspection, performance, and
 5241 maintenance;

5242 (B) Location, with respect to personnel hazard;

5243 (C) Quality of inspection and operating personnel;

5244 (D) Provision for related safe operation controls; and

5245 (E) Interrelation with other operations outside the scope of this article.

5246 Based upon documentation of such actual service conditions by the owner or user of the
 5247 operating equipment, the ~~office~~ department may, in its discretion, permit variations in the
 5248 inspection requirements.

5249 (c) The inspections required in this article shall be made by the chief inspector, by a
 5250 deputy inspector, by a special inspector, or by an owner or user inspector provided for in
 5251 this article.

5252 (d) Owner or user inspection of pressure vessels is permitted, provided that the owner or
 5253 user inspection service is regularly established and is under the supervision of one or more
 5254 individuals whose qualifications are satisfactory to the ~~office~~ department and said owner
 5255 or user causes the pressure vessels to be inspected in conformance with the National Board
 5256 Inspection Code or API 510, as applicable.

5257 (e) If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it
 5258 shall be made by the owner or user of the boiler or pressure vessel.

5259 (f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed
 5260 in this state after the 12 month period from the date upon which the rules and regulations
 5261 of the ~~office~~ department shall become effective shall be inspected during construction as

5262 required by the applicable rules and regulations of the ~~office~~ department by an inspector
5263 authorized to inspect boilers and pressure vessels in this state or, if constructed outside of
5264 the state, by an inspector holding a commission issued by the National Board of Boiler and
5265 Pressure Vessel Inspectors.

5266 25-15-24.

5267 (a) Each company employing special inspectors shall, within 30 days following each
5268 certificate inspection made by such inspectors, file a report of such inspection with the
5269 chief inspector upon appropriate forms as promulgated by the ~~Commissioner~~
5270 commissioner. The filing of reports of external inspections, other than certificate
5271 inspections, shall not be required except when such inspections disclose that the boiler or
5272 pressure vessel is in a dangerous condition.

5273 (b) Each company operating pressure vessels covered by an owner or user inspection
5274 service meeting the requirements of subsection (a) of Code Section 25-15-19 shall maintain
5275 in its files an inspection record which shall list, by number and such abbreviated
5276 description as may be necessary for identification, each pressure vessel covered by this
5277 article, the date of the last inspection of each pressure vessel, and the approximate date for
5278 the next inspection. The inspection record shall be available for examination by the chief
5279 inspector or the chief inspector's authorized representative during business hours.

5280 (c) If the report filed pursuant to subsection (a) of this Code section shows that a boiler or
5281 pressure vessel is found to comply with the rules and regulations of the ~~office~~ department,
5282 the chief inspector, or his or her duly authorized representative, shall issue to such owner
5283 or user an inspection certificate bearing the date of inspection and specifying the maximum
5284 pressure under which the boiler or pressure vessel may be operated. Such inspection
5285 certificate shall be valid for not more than 14 months from its date in the case of power
5286 boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in
5287 the case of pressure vessels. In the case of those boilers and pressure vessels covered by
5288 subparagraphs (b)(1)(A) through (b)(1)(D) of Code Section 25-15-23 for which the ~~office~~
5289 department has established or extended the operating period between required inspections
5290 pursuant to the provisions of paragraphs (3) and (4) of subsection (b) of Code Section
5291 25-15-23, the certificate shall be valid for a period of not more than two months beyond
5292 the period set by the ~~office~~ department. Certificates for boilers shall be posted under glass,
5293 or similarly protected, in the room containing the boiler. Pressure vessel certificates shall
5294 be posted in like manner, if convenient, or filed where they will be readily accessible for
5295 examination.

5296 (d) No inspection certificate issued for an insured boiler or pressure vessel based upon a
5297 report of a special inspector shall be valid after the boiler or pressure vessel for which it

5298 was issued shall cease to be insured by a company duly authorized by this state to provide
5299 such insurance.

5300 (e) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5301 representative may at any time suspend an inspection certificate after showing cause that
5302 the boiler or pressure vessel for which it was issued cannot be operated without menace to
5303 the public safety or when the boiler or pressure vessel is found not to comply with the rules
5304 and regulations adopted pursuant to this article. Each suspension of an inspection
5305 certificate shall continue in effect until such boiler or pressure vessel shall have been made
5306 to conform to the rules and regulations of the ~~office~~ department and until such inspection
5307 certificate shall have been reinstated.

5308 (f) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5309 representative may issue a written order for the temporary cessation of operation of a boiler
5310 or pressure vessel if it has been determined after inspection to be hazardous or unsafe.
5311 Operations shall not resume until such conditions are corrected to the satisfaction of the
5312 ~~Commissioner~~ commissioner or his or her authorized representative.

5313 25-15-25.

5314 (a) Boilers and pressure vessels, subject to operating certificate inspections by special,
5315 owner, or user inspectors, shall be inspected within 60 calendar days following the required
5316 reinspection date. Inspections not performed within this 60 calendar day period shall result
5317 in a civil penalty of \$500.00 for each boiler or pressure vessel not inspected.

5318 (b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the
5319 chief or deputy inspectors or operating certificate fees due from inspections performed
5320 by special, or owner or user, inspectors shall be paid within 60 calendar days of
5321 completion of such inspections.

5322 (2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear
5323 interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall
5324 continue to accrue until all amounts due, including interest, are received by the
5325 ~~Commissioner~~ commissioner.

5326 (c) The ~~Commissioner~~ commissioner may waive the collection of the penalties and interest
5327 assessed as provided in subsections (a) and (b) of this Code section when it is reasonably
5328 determined that the delays in inspection or payment were unavoidable or due to the action
5329 or inaction of the ~~office~~ department.

5330 25-15-26.

5331 It shall be unlawful for any person, firm, partnership, or corporation to operate in this state
5332 a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection

5333 service as provided for in Code Section 25-15-24, without a valid inspection certificate.
 5334 The operation of a boiler or pressure vessel without such inspection certificate or at a
 5335 pressure exceeding that specified in such inspection certificate or in violation of this article
 5336 shall constitute a misdemeanor.

5337 25-15-27.

5338 The owner or user of a boiler or pressure vessel required by this article to be inspected by
 5339 the chief inspector or a deputy inspector shall pay directly to the chief inspector, upon
 5340 completion of inspection, fees as prescribed in rules and regulations promulgated by the
 5341 ~~Commissioner~~ commissioner; provided, however, that, with respect to pressure vessel
 5342 certificates of inspection, such fees shall not exceed \$10.00 per annum. The chief inspector
 5343 shall transfer all fees so received to the general fund of the state treasury. All funds so
 5344 deposited in the state treasury are authorized to be appropriated by the General Assembly
 5345 to the ~~Safety Fire Commissioner~~ commissioner.

5346 25-15-28.

5347 (a) Any person aggrieved by an order or an act of the ~~Commissioner~~ commissioner or the
 5348 chief inspector under this article may, within 15 days of notice thereof, request a hearing
 5349 before an administrative law judge of the Office of State Administrative Hearings, as
 5350 provided by Code Section 50-13-41.

5351 (b) Any person aggrieved by a decision of an administrative law judge may file an appeal
 5352 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

5353 25-15-29.

5354 No county, municipality, or other political subdivision shall have the power to make any
 5355 laws, ordinances, or resolutions providing for the construction, installation, inspection,
 5356 maintenance, and repair of boilers and pressure vessels within the limits of such county,
 5357 municipality, or other political subdivision; and any such laws, ordinances, or resolutions
 5358 shall be void and of no effect.

5359 25-15-30.

5360 Neither this article nor any provision of this article shall be construed to place any liability
 5361 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
 5362 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
 5363 boilers and pressure vessels and any injury or damages arising therefrom.

5364

ARTICLE 3

5365

25-15-50.

5366

This article shall be known and may be cited as the 'Amusement Ride Safety Act.'

5367

25-15-51.

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As used in this article, the term:

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(1) 'Amusement ride' means any mechanical device, other than those regulated by the Consumer Products Safety Commission, which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term shall not include any such device which is not permanently fixed to a site.

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(2) 'Authorized person' means a competent person experienced and instructed in the work to be performed who has been given the responsibility to perform his or her duty by the owner or his or her representative.

(3) 'Certificate fee' means the fee charged by the ~~office~~ department for a certificate to operate an amusement ride.

(4) 'Certificate of inspection' means a certificate issued by a licensed inspector that an amusement ride meets all relevant provisions of this article and the standards and regulations adopted pursuant thereto.

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

(6) 'Department' means the Department of Fire Safety.

~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person who is found by the ~~office~~ department to possess the requisite training and experience to perform competently the inspections required by this article and who is licensed by the ~~office~~ department to perform inspections of amusement rides.

~~(7)~~(8) 'Operator' means a person or persons actually engaged in or directly controlling the operation of an amusement ride.

~~(8)~~ 'Office' means the ~~office of Safety Fire Commissioner, which is designated to enforce the provisions of this article and to formulate and enforce standards and regulations.~~

(9) 'Owner' means a person, including the state or any of its subdivisions, who owns an amusement ride or, in the event that the amusement ride is leased, the lessee.

(10) 'Permit' means a permit to operate an amusement ride issued to an owner by the ~~office~~ department.

(11) 'Permit fee' means the fee charged by the ~~office~~ department for a permit to operate an amusement ride.

5398 (12) 'Standards and regulations' means those standards and regulations formulated and
 5399 enforced by the ~~office~~ department.

5400 25-15-52.

5401 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
 5402 knowledgeable in the area of the amusement ride industry and to create committees
 5403 composed of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his
 5404 or her duties under this article.

5405 25-15-53.

5406 (a) The ~~office~~ department shall formulate standards and regulations, or changes to such
 5407 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,
 5408 operation, and inspection of all amusement rides. The standards and regulations shall be
 5409 reasonable and based upon generally accepted engineering standards, formulas, and
 5410 practices pertinent to the industry. Formulation and promulgation of such standards and
 5411 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
 5412 Procedure Act.' It is recognized that risks presented to the general public by amusement
 5413 rides which are frequently assembled and disassembled are different from those presented
 5414 by amusement rides which are not frequently assembled and disassembled. Accordingly,
 5415 the ~~office~~ department is authorized to formulate different standards and regulations with
 5416 regard to such differing classes of amusement rides.

5417 (b) The ~~office~~ department shall:

- 5418 (1) Enforce all standards and regulations;
 5419 (2) License inspectors for authorization to inspect amusement rides;
 5420 (3) Issue permits upon compliance with this article and such standards and regulations
 5421 adopted pursuant to this article; and
 5422 (4) Establish a fee schedule for the issuance of permits for amusement rides.

5423 25-15-54.

5424 The ~~office~~ department may license such private inspectors as may be necessary to carry out
 5425 the provisions of this article.

5426 25-15-55.

5427 (a) No amusement ride shall be operated, except for purposes of testing and inspection,
 5428 until a permit for its operation has been issued by the ~~office~~ department. The owner of an
 5429 amusement ride shall apply for a permit to the ~~office~~ department on a form furnished by
 5430 the ~~office~~ department providing such information as the ~~office~~ department may require.

5431 (b) No such application shall be complete without including a certificate of inspection
5432 from a licensed inspector that the amusement ride meets all relevant provisions of this
5433 article and the standards and regulations adopted pursuant thereto. The cost of obtaining
5434 the certificate of inspection from a licensed inspector shall be borne by the owner or
5435 operator.

5436 25-15-56.

5437 (a) All amusement rides shall be inspected annually, and may be inspected more
5438 frequently, by a licensed inspector at the owner's or operator's expense. If the amusement
5439 ride meets all relevant provisions of this article and the standards and regulations adopted
5440 pursuant to this article, the licensed inspector shall provide to the owner or operator a
5441 certificate of inspection. All new amusement rides shall be inspected before commencing
5442 public operation.

5443 (b) Amusement rides and attractions may be required to be inspected by an authorized
5444 person each time they are assembled or disassembled in accordance with regulations and
5445 standards established under this article.

5446 25-15-57.

5447 The office department may waive the requirement of subsection (a) of Code Section
5448 25-15-56 if the owner of an amusement ride gives satisfactory proof to the office
5449 department that the amusement ride has passed an inspection conducted by a federal
5450 agency or by another state whose standards and regulations for the inspection of such an
5451 amusement ride are at least as stringent as those adopted pursuant to this article.

5452 25-15-58.

5453 The office department shall issue a permit to operate an amusement ride to the owner
5454 thereof upon successful completion of a safety inspection of the amusement ride conducted
5455 by a licensed inspector and upon receiving an application for permit with a certificate of
5456 insurance. The permit shall be valid for the calendar year in which issued.

5457 25-15-59.

5458 The owner shall maintain up-to-date maintenance, inspection, and repair records between
5459 inspection periods for each amusement ride in accordance with such standards and
5460 regulations as are adopted pursuant to this article. Such records shall contain a copy of all
5461 inspection reports commencing with the last annual inspection, a description of all
5462 maintenance performed, and a description of any mechanical or structural failures or
5463 operational breakdowns and the types of actions taken to rectify these conditions.

5464 25-15-60.

5465 No person shall be permitted to operate an amusement ride unless he or she is at least 16
5466 years of age. An operator shall be in attendance at all times that an amusement ride is in
5467 operation and shall operate no more than one amusement ride at any given time.

5468 25-15-61.

5469 The owner of the amusement ride shall report to the ~~office~~ department any accident
5470 resulting in a fatality or an injury requiring immediate inpatient overnight hospitalization
5471 incurred during the operation of any amusement ride. The report shall be in writing, shall
5472 describe the nature of the occurrence and injury, and shall be mailed by first-class mail no
5473 later than the close of the next business day following the accident. Accidents resulting in
5474 a fatality shall also be reported immediately to the ~~office~~ department in person or by phone
5475 in accordance with regulations adopted by the ~~office~~ department.

5476 25-15-62.

5477 (a) No person shall operate an amusement ride unless at the time there is in existence:

5478 (1) A policy of insurance in an appropriate amount determined by regulation insuring the
5479 owner and operator (if an independent contractor) against liability for injury to persons
5480 arising out of the operation of the amusement ride;

5481 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
5482 under such bond shall not exceed the face amount thereof; or

5483 (3) Cash or other security acceptable to the ~~office~~ department.

5484 (b) Regulations under this article shall permit appropriate deductibles or self-insured
5485 retention amounts to such policies of insurance. The policy or bond shall be procured from
5486 one or more insurers or sureties acceptable to the ~~office~~ department.

5487 25-15-63.

5488 If any person would incur practical difficulties or unnecessary hardships in complying with
5489 the standards and regulations adopted pursuant to this article, or if any person is aggrieved
5490 by any order issued by the ~~office~~ department, the person may make a written application
5491 to the ~~office~~ department stating his or her grounds and applying for a variance. The ~~office~~
5492 department may grant such a variance in the spirit of the provisions of this article with due
5493 regard to public safety. The granting or denial of a variance by the ~~office~~ department shall
5494 be in writing and shall describe the conditions under which the variance is granted or the
5495 reasons for denial. A record shall be kept of all variances granted by the ~~office~~ department
5496 and such record shall be open to inspection by the public.

5497 25-15-64.

5498 This article shall not apply to any single-passenger coin operated amusement ride on a
5499 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle
5500 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

5501 25-15-65.

5502 This article shall not be construed so as to prevent the use of any existing amusement ride
5503 found to be in a safe condition and to be in conformance with the standards and regulations
5504 adopted pursuant to this article. Owners of amusement rides in operation on or before the
5505 effective date of this article shall comply with the provisions of this article and the
5506 standards and regulations adopted pursuant to this article within six months after the
5507 adoption of such standards and regulations.

5508 25-15-66.

5509 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5510 representative may issue a written order for the temporary cessation of operation of an
5511 amusement ride if it has been determined after inspection to be hazardous or unsafe.
5512 Operations shall not resume until such conditions are corrected to the satisfaction of the
5513 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5514 representative.

5515 (b) In the event that an owner or operator knowingly allows the operation of an amusement
5516 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the
5517 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court
5518 any action for an injunction or writ of mandamus upon the petition of the district attorney
5519 or Attorney General. An injunction, without bond, may be granted by the superior court
5520 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

5521 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article
5522 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate
5523 offense.

5524 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
5525 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil
5526 penalties as prescribed in the rules and regulations of the ~~office~~ department in an amount
5527 not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to
5528 adhere to the requirements of this article and the rules and regulations promulgated under
5529 this article. The imposition of a penalty for a violation of this article or the rules and
5530 regulations promulgated under this article shall not excuse the violation or permit it to
5531 continue.

5532 25-15-67.

5533 The owner or operator of an amusement ride may deny entry to a person to an amusement
5534 ride if in the owner's or operator's opinion the entry may jeopardize the safety of such
5535 person or the safety of any other person. Nothing in this Code section shall permit an
5536 owner or operator to deny an inspector access to an amusement ride when such inspector
5537 is acting within the scope of his or her duties under this article.

5538 25-15-68.

5539 Neither this article nor any provision of this article shall be construed to place any liability
5540 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
5541 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
5542 amusement rides and any injury or damages arising therefrom.

5543 25-15-69.

5544 No county, municipality, or other political subdivision shall have the power to pass
5545 ordinances, resolutions, or other requirements regulating the construction, installation,
5546 inspection, maintenance, repair, or operation of amusement rides within the limits of such
5547 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
5548 other requirements shall be void and of no effect; provided, however, that the provisions
5549 of this Code section shall not apply to local zoning ordinances or ordinances regulating
5550 location, siting requirements, or other development standards or conditions relative to
5551 amusement rides or their time of operation or noise levels generated. Nothing in this article
5552 preempts the imposition of regulatory fees or occupation taxes imposed by counties and
5553 municipalities pursuant to Chapter 13 of Title 48.

5554 ARTICLE 4

5555 25-15-80.

5556 This article shall be known and may be cited as the 'Carnival Ride Safety Act.'

5557 25-15-81.

5558 As used in this article, the term:

5559 (1) 'Authorized person' means a competent person experienced and instructed in the work
5560 to be performed who has been given the responsibility to perform his or her duty by the
5561 owner or the owner's representative.

5562 (2) 'Carnival ride' means any mechanical device, other than amusement rides regulated
5563 under Article 3 of this chapter, known as the 'Amusement Ride Safety Act,' which carries

5564 or conveys passengers along, around, or over a fixed or restricted route or course or
 5565 within a defined area for the purpose of giving its passengers amusement, pleasure,
 5566 thrills, or excitement. Such term shall not include any such device which is permanently
 5567 fixed to a site.

5568 (3) 'Certificate fee' means the fee charged by the ~~office~~ department for a certificate to
 5569 operate a carnival ride.

5570 (4) 'Certificate of inspection' means a certificate issued by a licensed inspector that a
 5571 carnival ride meets all relevant provisions of this article and the standards and regulations
 5572 adopted pursuant thereto.

5573 (5) 'Commissioner' means the ~~Safety Fire Commissioner~~ commissioner of fire safety.

5574 (6) 'Department' means the Department of Fire Safety.

5575 ~~(6)~~(7) 'Licensed inspector' means a registered professional engineer or any other person
 5576 who is found by the ~~office~~ department to possess the requisite training and experience to
 5577 perform competently the inspections required by this article and who is licensed by the
 5578 ~~office~~ department to perform inspections of carnival rides.

5579 ~~(7) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce~~
 5580 ~~the provisions of this article and to formulate and enforce standards and regulations.~~

5581 (8) 'Operator' means a person or persons actually engaged in or directly controlling the
 5582 operation of a carnival ride.

5583 (9) 'Owner' means a person, including the state or any of its subdivisions, who owns a
 5584 carnival ride or, in the event that the carnival ride is leased, the lessee.

5585 (10) 'Permit' means a permit to operate a carnival ride issued to an owner by the ~~office~~
 5586 department.

5587 (11) 'Permit fee' means the fee charged by the ~~office~~ department for a permit to operate
 5588 a carnival ride.

5589 (12) 'Standards and regulations' means those standards and regulations formulated and
 5590 enforced by the ~~office~~ department.

5591 25-15-82.

5592 The ~~Commissioner~~ commissioner shall be authorized to consult with persons
 5593 knowledgeable in the area of the carnival ride industry and to create committees composed
 5594 of such consultants to assist the ~~Commissioner~~ commissioner in carrying out his or her
 5595 duties under this article.

5596 25-15-83.

5597 (a) The ~~office~~ department shall formulate standards and regulations, or changes to such
 5598 standards and regulations, for the safe assembly, disassembly, repair, maintenance, use,

5599 operation, and inspection of all carnival rides. The standards and regulations shall be
 5600 reasonable and based upon generally accepted engineering standards, formulas, and
 5601 practices pertinent to the industry. Formulation and promulgation of such standards and
 5602 regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative
 5603 Procedure Act.'

5604 (b) The ~~office~~ department shall:

- 5605 (1) Enforce all standards and regulations;
- 5606 (2) License inspectors for authorization to inspect carnival rides; and
- 5607 (3) Issue permits upon compliance with this article and such standards and regulations
 5608 adopted pursuant to this article.

5609 (c) The owner or operator of a carnival ride required to be inspected shall pay fees as
 5610 prescribed in rules and regulations promulgated by the ~~Commissioner~~ commissioner. The
 5611 chief inspector shall transfer all fees so received to the general fund of the state treasury.
 5612 All funds so deposited in the state treasury are authorized to be appropriated by the General
 5613 Assembly to the ~~Safety Fire Commissioner~~ commissioner.

5614 25-15-84.

5615 The ~~office~~ department may license such private inspectors as may be necessary to carry out
 5616 the provisions of this article.

5617 25-15-85.

5618 (a) No carnival ride shall be operated in any calendar year, except for purposes of testing
 5619 and inspection, until a permit for its operation has been issued by the ~~office~~ department.
 5620 The owner of a carnival ride shall apply for a permit to the ~~office~~ department on a form
 5621 furnished by the ~~office~~ department, providing such information as the ~~office~~ department
 5622 may require.

5623 (b) Beginning January 1, 2018, no permit for a carnival ride to operate in this state shall
 5624 be issued by the ~~office~~ department until the carnival owner submits an engineering
 5625 evaluation from a licensed engineer that evaluates the functionality of safety mechanisms
 5626 and the condition of the critical components of the carnival ride. The scope of such
 5627 engineering evaluation may be further prescribed by standards and regulations of the ~~office~~
 5628 department that are consistent with this subsection. Such evaluation shall be provided prior
 5629 to the annual inspection required by Code Section 25-15-86 and use of the carnival ride by
 5630 the general public. The submission of such evaluation shall only be required the first time
 5631 the carnival owner applies for a permit for the carnival ride in this state on or after
 5632 January 1, 2018.

5633 25-15-86.

5634 All carnival rides and attractions shall be inspected annually and may be inspected more
5635 frequently by a licensed inspector at the owner's or operator's expense. If the carnival ride
5636 meets all relevant provisions of this article and the standards and regulations adopted
5637 pursuant to this article, the licensed inspector shall provide to the owner or operator a
5638 certificate of inspection. All new carnival rides shall be inspected before commencing
5639 public operation.

5640 25-15-87.

5641 The ~~office~~ department may waive the requirement of Code Section 25-15-86 if the owner
5642 of a carnival ride gives satisfactory proof to the ~~office~~ department that the carnival ride has
5643 passed an inspection conducted by a federal agency or by another state whose standards
5644 and regulations for the inspection of such a carnival ride are at least as stringent as those
5645 adopted pursuant to this article.

5646 25-15-88.

5647 The ~~office~~ department shall issue a permit to operate a carnival ride to the owner thereof
5648 upon successful completion of a safety inspection by a licensed inspector, upon completion
5649 by the owner of the application for a permit, and upon presentation of a certificate of
5650 inspection or waiver thereof by the ~~office~~ department. The permit shall be valid for the
5651 calendar year in which issued.

5652 25-15-89.

5653 The owner shall maintain up-to-date maintenance, inspection, and repair records between
5654 inspection periods for each carnival ride in accordance with such standards and regulations
5655 as are adopted pursuant to this article. Such records shall contain a copy of all inspection
5656 reports commencing with the last annual inspection, a description of all maintenance
5657 performed, and a description of any mechanical or structural failures or operational
5658 breakdowns and the types of actions taken to rectify these conditions.

5659 25-15-90.

5660 (a) No person shall be permitted to operate a carnival ride unless he or she is at least 16
5661 years of age. An operator shall be in attendance at all times that a carnival ride is in
5662 operation and shall operate no more than one carnival ride at any given time.

5663 (b) No carnival ride shall be operated at standards below those recommended by the
5664 manufacturer of such carnival ride or below the standards adopted or variants approved by
5665 the ~~office~~ department, whichever is greater.

5666 25-15-91.

5667 The owner of the carnival ride shall report to the ~~office~~ department any accident incurred
5668 during the operation of any carnival ride resulting in a fatality or an injury requiring
5669 medical attention from a licensed medical facility. The report shall be in writing, shall
5670 describe the nature of the occurrence and injury, and shall be delivered in person or mailed
5671 by first-class mail no later than the close of the next business day following the accident.
5672 Accidents resulting in a fatality shall also be reported immediately to the ~~office~~ department
5673 in person or by phone in accordance with regulations adopted by the ~~office~~ department.

5674 25-15-92.

5675 (a) No person shall operate a carnival ride unless at the time there is in existence:

5676 (1) A policy of insurance in an amount not less than \$1 million (if an independent
5677 contractor) against liability for injury to persons arising out of the operation of the
5678 carnival ride;

5679 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
5680 under such bond shall not exceed the face amount thereof; or

5681 (3) Cash or other security acceptable to the ~~office~~ department.

5682 (b) Regulations under this article shall permit appropriate deductibles or self-insured
5683 retention amounts to such policies of insurance. The policy or bond shall be procured from
5684 one or more insurers or sureties acceptable to the ~~office~~ department.

5685 25-15-93.

5686 If any person would incur practical difficulties or unnecessary hardships in complying with
5687 the standards and regulations adopted pursuant to this article, or if any person is aggrieved
5688 by any order issued by the ~~office~~ department, the person may make a written application
5689 to the ~~office~~ department stating his or her grounds and applying for a variance. The ~~office~~
5690 department may grant such a variance in the spirit of the provisions of this article with due
5691 regard to public safety. The granting or denial of a variance by the ~~office~~ department shall
5692 be in writing and shall describe the conditions under which the variance is granted or the
5693 reasons for denial. A record shall be kept of all variances granted by the ~~office~~ department
5694 and such record shall be open to inspection by the public.

5695 25-15-94.

5696 This article shall not apply to any single-passenger coin operated carnival ride on a
5697 stationary foundation or to playground equipment such as swings, seesaws, slides, jungle
5698 gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

5699 25-15-95.

5700 This article shall not be construed so as to prevent the use of any existing carnival ride
5701 found to be in a safe condition and to be in conformance with the standards and regulations
5702 adopted pursuant to this article.

5703 25-15-96.

5704 (a) The ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5705 representative may issue a written order for the temporary cessation of operation of a
5706 carnival ride if it has been determined after inspection to be hazardous or unsafe.
5707 Operations shall not resume until such conditions are corrected to the satisfaction of the
5708 ~~Commissioner~~ commissioner or the ~~Commissioner's~~ commissioner's authorized
5709 representative.

5710 (b) In the event that an owner or operator knowingly allows the operations of a carnival
5711 ride after the issuing of a temporary cessation, the ~~Commissioner~~ commissioner or the
5712 ~~Commissioner's~~ commissioner's authorized representative may initiate in the superior court
5713 any action for an injunction or writ of mandamus upon the petition of the district attorney
5714 or Attorney General. An injunction, without bond, may be granted by the superior court
5715 to the ~~Commissioner~~ commissioner for the purpose of enforcing this article.

5716 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article
5717 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate
5718 offense.

5719 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
5720 ~~Commissioner~~ commissioner shall have the power, after notice and hearing, to levy civil
5721 penalties as prescribed in the rules and regulations of the ~~office~~ department in an amount
5722 not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to
5723 adhere to the requirements of this article and the rules and regulations promulgated under
5724 this article. The imposition of a penalty for a violation of this article or the rules and
5725 regulations promulgated under this article shall not excuse the violation or permit it to
5726 continue.

5727 25-15-97.

5728 The owner or operator of a carnival ride may deny entry to a person to a carnival ride if in
5729 the owner's or operator's opinion the entry may jeopardize the safety of such person or the
5730 safety of any other person. Nothing in this Code section shall permit an owner or operator
5731 to deny an inspector access to a carnival ride when such inspector is acting within the scope
5732 of his or her duties under this article.

5733 25-15-98.

5734 (a) The owner or operator of a carnival ride shall post a clearly visible sign at the location
5735 of each ride and at the location of ~~tickets~~ ticket sales for each ride which states any age,
5736 weight, or height requirements of the ride which are necessary as a safeguard against
5737 injury.

5738 (b) It shall be unlawful for any owner or operator to permit entry to a carnival ride to any
5739 person who does not meet the posted age, size, and weight requirements for such ride.

5740 25-15-99.

5741 The owner of any itinerant carnival ride which is located within this state shall
5742 continuously maintain in this state a registered agent of record who may be an individual
5743 who resides in the state and whose business address is identical with the address of the
5744 owner's required office.

5745 25-15-100.

5746 Neither this article nor any provision of this article shall be construed to place any liability
5747 on the State of Georgia, the ~~office~~ department, or the ~~Commissioner~~ commissioner with
5748 respect to any claim by any person, firm, or corporation relating in any way whatsoever to
5749 carnival rides and any injury or damages arising therefrom.

5750 25-15-101.

5751 No county, municipality, or other political subdivision shall have the power to pass
5752 ordinances, resolutions, or other requirements regulating the construction, installation,
5753 inspection, maintenance, repair, or operation of carnival rides within the limits of such
5754 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
5755 other requirements shall be void and of no effect; provided, however, that the provisions
5756 of this Code section shall not apply to local zoning ordinances or ordinances regulating
5757 location, siting requirements, or other development standards or conditions relative to
5758 carnival rides or their time of operation or noise levels generated. Nothing in this article
5759 preempts the imposition of regulatory fees or occupation taxes imposed by counties and
5760 municipalities pursuant to Chapter 13 of Title 48.

5761 ARTICLE 5

5762 25-15-110.

5763 (a)(1) All scaffolding or staging that is swung or suspended from an overhead support
5764 or erected with stationary supports and is suspended or rises 30 feet or more above the

5765 ground shall have a safety rail properly attached, bolted, braced, and otherwise secured;
 5766 and the safety rail shall rise at least 34 inches above the floor or main portions of such
 5767 scaffolding or staging and extend for the full length of such staging and along the ends
 5768 thereof with only such openings as may be necessary for the delivery of materials being
 5769 used on such scaffold or staging. Such scaffolding or staging shall also be so fastened
 5770 as to prevent it from swaying from the building or structure. However, this paragraph
 5771 shall not apply to any scaffolding or staging which is wholly within the interior of a
 5772 building or other structure and which covers the entire floor space therein.

5773 (2) It shall be unlawful for any person to employ or direct others to perform labor of any
 5774 kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building
 5775 or other structure without first having furnished proper protection to such person so
 5776 employed or directed, as provided in paragraph (1) of this subsection.

5777 (b) All scaffolding or staging shall be so constructed that it will bear at least four times the
 5778 weight required to be hanging therefrom or placed thereon when in use.

5779 (c)(1) The ~~Safety Fire Commissioner~~ commissioner of fire safety, upon receipt of any
 5780 complaint, shall make or cause to be made an immediate inspection of the scaffold, or
 5781 mechanical device connected therewith, concerning which complaint has been made.

5782 (2) The ~~Commissioner~~ commissioner of fire safety shall attach to every scaffold, staging,
 5783 mechanism, or mechanical device inspected by him or her a certificate bearing the
 5784 ~~Commissioner's~~ commissioner of fire safety's name and the date of inspection, and the
 5785 certificate shall plainly state whether he or she has found the scaffolding, staging, or
 5786 mechanical device 'safe' or 'unsafe.'

5787 (3) If the ~~Commissioner~~ commissioner of fire safety finds any scaffolding, staging, or
 5788 mechanical device complained of to be unsafe, the ~~Commissioner~~ commissioner of fire
 5789 safety shall at once notify in writing the person responsible for the erection and
 5790 maintenance of the scaffolding, staging, or mechanical device that the ~~Commissioner~~
 5791 commissioner of fire safety has found it to be unsafe. Such notice may be served
 5792 personally upon the person responsible under the law or may be perfected by affixing
 5793 such notice in a conspicuous place on the scaffold, staging, or mechanical device found
 5794 unsafe. The manner of service shall be within the discretion of the ~~Commissioner~~
 5795 commissioner of fire safety. The ~~Commissioner~~ commissioner of fire safety shall then
 5796 prohibit the use of such scaffolding, staging, or mechanical device by any person until all
 5797 danger has been removed or until it has been made to comply with the terms of this Code
 5798 section by alteration, reconstruction, demolition, or replacement, as the ~~Commissioner~~
 5799 commissioner of fire safety may direct.

5800 (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold,
 5801 staging, or other mechanical device in violation of any provision of this Code section shall
 5802 be guilty of a misdemeanor.

5803 ARTICLE 6

5804 25-15-120.

5805 (a) The Board of Fire Safety, the commissioner of fire safety, and the Department of Fire
 5806 Safety shall succeed to all rules, regulations, policies, procedures, and pending and
 5807 finalized administrative orders of the Safety Fire Commissioner under this chapter which
 5808 are in effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders
 5809 shall remain in effect until amended, repealed, superseded, or nullified by the Board of Fire
 5810 Safety.

5811 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 5812 authorizations previously issued by the Safety Fire Commissioner with respect to any
 5813 function transferred to the Department of Fire Safety shall continue in effect until the same
 5814 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 5815 provided by law.

5816 (c) Effective July 1, 2019, the commissioner of fire safety and the Department of Fire
 5817 Safety shall carry out all of the functions and obligations and exercise all of the powers
 5818 formerly held by the Safety Fire Commissioner under this chapter."

5819 **PART XIII**

5820 **SECTION 13-1.**

5821 Article 9 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
 5822 Georgia Information Sharing and Analysis Center, is amended by revising Code Section
 5823 35-3-204, relating to membership and availability of analysts, as follows:

5824 "35-3-204.

5825 (a) Membership in the center shall consist of the director, the director of emergency
 5826 management and homeland security, the commissioner of public safety, the commissioner
 5827 of fire safety, the commissioner of natural resources, the commissioner of corrections, the
 5828 state fire marshal, the Attorney General, the adjutant general, and ~~state and~~ local fire
 5829 service, law enforcement, homeland security, emergency management, corrections, and
 5830 other appropriate agencies and disciplines as determined by the director of emergency
 5831 management and homeland security in consultation with the director. Such members shall

5832 assign or make available their analysts or other personnel to the center as such need is
5833 determined by the director of emergency management and homeland security.

5834 (b) The director of emergency management and homeland security shall maintain Georgia
5835 Emergency Management and Homeland Security Agency analysts in the center as needed
5836 as determined by the director of emergency management and homeland security."

5837 **PART XIV**

5838 **SECTION 14-1.**

5839 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability
5840 and effect of peace officer certification requirements generally and requirements as to exempt
5841 persons, is amended by revising subsection (b) as follows:

5842 "(b) Peace officers commencing any employment or service on any terms with the
5843 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,
5844 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco
5845 Tax Unit, the Secretary of State's investigative section, the ~~Office~~ office of the
5846 Commissioner of Insurance ~~and Safety Fire Commissioner~~, the Department of Fire Safety,
5847 or a railroad after July 1, 1975, are required to comply with the certification provisions of
5848 this chapter. Peace officers commencing such employment or service prior to July 1, 1975,
5849 and whose employment continues on July 1, 1975, are exempt and excused from
5850 compliance with the certification provisions of this chapter except as provided in this Code
5851 section so long as the registration provided for in subsections (d) and (e) of this Code
5852 section remains in effect. Any peace officer otherwise exempt from the certification
5853 provisions of this chapter must meet the qualifications and requirements specified in
5854 paragraphs (2), (4), (5), and ~~(8)~~ (7) of subsection (a) of Code Section 35-8-8."

5855 **PART XV**

5856 **SECTION 15-1.**

5857 Chapter 25 of Title 43 of the Official Code of Georgia Annotated, relating to operators of
5858 motor vehicle racetracks, is amended as follows:

5859

"CHAPTER 25

5860

43-25-1.

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As used in this chapter, the term 'motor vehicle;' shall not be construed to include any motorcycle or other two-wheeled, self-propelled vehicle, nor shall it be construed to include any motor vehicle weighing less than 500 pounds.

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43-25-2.

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It shall be unlawful for any person, firm, or corporation to operate or conduct any motor vehicle race on any permanent racetrack or other place where such races are to be held unless there shall first be obtained a license to operate or conduct such races from the ~~Safety Fire Commissioner~~ commissioner of fire safety.

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43-25-3.

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Application for a license to operate or conduct a racetrack or other place for the holding of motor vehicle races or exhibitions shall be made in writing to the ~~Safety Fire Commissioner~~ commissioner of fire safety on a form prescribed by or furnished by the ~~Safety Fire Commissioner~~ commissioner of fire safety. The application form shall require a full and complete address of the track or other place desired to be licensed, the name and address of the licensee, and the name and address of the promoter of such race or exhibition and shall contain such further information as the ~~Safety Fire Commissioner~~ commissioner of fire safety may require in order to comply with Code Section 43-25-4. Such application shall be accompanied by a nonrefundable fee of \$150.00.

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43-25-4.

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No license for operating or conducting a motor vehicle racetrack shall be issued by the ~~Safety Fire Commissioner~~ commissioner of fire safety until the applicant has complied with the rules and regulations of the ~~Safety Fire Commissioner~~ commissioner of fire safety pursuant to Code Section 43-25-8 and has a valid public liability insurance policy with minimum limits of \$1 million per accident and \$100,000.00 per person per accident, or \$1 million combined single limit, or in lieu thereof a valid public liability bond in like amount. The policy or bond shall be designed to provide coverage for the protection of the licensee from any legal liability arising out of bodily injury, including death, to any member of the general public, resulting from any racing event. The insurance policy or bond shall not be designed to provide coverage for bodily injuries or death of drivers of motor vehicles which are engaged in any race, any pit area personnel, or any person who is involved in the conduct of a race. The policy or bond shall be written by a company

5892 which is licensed to do business in this state or which is considered to be acceptable by the
 5893 ~~Safety Fire Commissioner~~ commissioner of fire safety.

5894 43-25-5.

5895 No insurance policy or bond may be canceled for any reason unless and until the ~~Safety~~
 5896 ~~Fire Commissioner~~ commissioner of fire safety has received notice by certified or
 5897 registered letter, return receipt requested, that the policy or bond is going to be canceled
 5898 effective on a date at least 14 days from the date such notice is received by the ~~Safety Fire~~
 5899 ~~Commissioner~~ commissioner of fire safety.

5900 43-25-6.

5901 All licenses granted by the ~~Safety Fire Commissioner~~ commissioner of fire safety pursuant
 5902 to this chapter shall expire December 31 of each year.

5903 43-25-7.

5904 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized to suspend or
 5905 revoke the license of any person who operates or conducts motor vehicle races or
 5906 exhibitions without complying with this chapter.

5907 43-25-8.

5908 The ~~Safety Fire Commissioner~~ commissioner of fire safety is authorized and directed to
 5909 create and promulgate rules and regulations which are to be designed to prevent injury and
 5910 loss of life to spectators while they are observing and viewing motor vehicles engaged in
 5911 contests of speed or endurance. Such rules and regulations shall provide for certificates of
 5912 occupancy; periodic inspections by fire inspectors and other experts; corrections of
 5913 deficiencies in racetrack facilities; standards for grandstands; guardrails; spectator areas;
 5914 nonspectator areas; flagmen; track surfaces; fences; ambulance service; access highways
 5915 or roads; fire extinguishers and other fire suppression equipment and personnel; plans for
 5916 fire evacuation; accident reporting; damage reporting; storage of flammable and
 5917 combustible liquids; restricted areas; concession areas; and such other areas of coverage
 5918 as, in the opinion of the ~~Safety Fire Commissioner~~ commissioner of fire safety, are deemed
 5919 necessary.

5920 43-25-9.

5921 The owner or lessee of any real property upon which exists a motor vehicle racetrack or
 5922 other place subject to this chapter shall inform the ~~Safety Fire Commissioner~~ commissioner
 5923 of fire safety within ten days of any damage caused to any guardrail, post, or other device

5924 which has for its purpose the prevention of injury or loss of life to spectators at the
 5925 racetrack or other place. Until any such damage is repaired and the repairs are approved
 5926 by fire inspectors, there shall be no racing or endurance event permitted on such racetrack
 5927 or other place.

5928 43-25-10.

5929 Any person who violates any provision of this chapter shall be guilty of a misdemeanor of
 5930 a high and aggravated nature.

5931 43-25-11.

5932 (a) The Board of Fire Safety, the commissioner of fire safety, and the Department of Fire
 5933 Safety shall succeed to all rules, regulations, policies, procedures, and pending and
 5934 finalized administrative orders of the Safety Fire Commissioner under this chapter which
 5935 are in effect on June 30, 2019. Such rules, regulations, policies, procedures, and orders
 5936 shall remain in effect until amended, repealed, superseded, or nullified by the board.

5937 (b) All valid agreements, contracts, licenses, permits, certificates, and similar
 5938 authorizations previously issued by the Safety Fire Commissioner with respect to any
 5939 function transferred to the Department of Fire Safety shall continue in effect until the same
 5940 expire by their terms unless they are suspended, revoked, or otherwise made ineffective as
 5941 provided by law.

5942 (c) Effective July 1, 2019, the commissioner of fire safety and the Department of Fire
 5943 Safety shall carry out all of the functions and obligations and exercise all of the powers
 5944 formerly held by the Safety Fire Commissioner under this chapter."

5945 **PART XVI**

5946 **SECTION 16-1.**

5947 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 5948 is amended by revising Chapter 22, relating to public employee hazardous chemical
 5949 protection and right to know, as follows:

5950 "CHAPTER 22

5951 45-22-1.

5952 This chapter shall be known and may be cited as the 'Public Employee Hazardous
 5953 Chemical Protection and Right to Know Act of 1988.'

5954 45-22-2.

5955 As used in this chapter, the term:

5956 (1) 'Appointing authority' means a person or group of persons authorized by law or
5957 delegated authority to make appointments to fill employee positions in the legislative,
5958 judicial, or executive branch of state government.

5959 (2) 'Article' means a finished product or manufactured item:

5960 (A) Which is formed to a specific shape or design during manufacture;

5961 (B) Which has end use functions dependent in whole or in part upon its shape or design
5962 during end use; and

5963 (C) Which has either no change of chemical composition during end use or only those
5964 changes of composition which have no commercial purpose separate from that of the
5965 article.

5966 (3) 'Chemical name' means the scientific designation of a chemical in accordance with
5967 the nomenclature system developed by the International Union of Pure and Applied
5968 Chemistry or the system developed by the Chemical Abstracts Service.

5969 (4) 'Common name' means any designation or identification such as a code name, code
5970 number, trade name, or brand name used to identify a chemical other than by its chemical
5971 name.

5972 (5) 'Contractor,' 'independent contractor,' or 'public contractor' means any person under
5973 a contract or agreement to provide labor or services to a public employer.

5974 (6) 'Department' means the ~~office of the Safety Fire Commissioner~~ Department of Fire
5975 Safety.

5976 (7) 'Distributor' means an individual or employer, other than the manufacturer or
5977 importer, who supplies hazardous chemicals directly to users or to other distributors.

5978 (8) 'Employee' or 'public employee' means any person who is employed by any branch,
5979 department, board, bureau, commission, authority, or other agency of the state and any
5980 inmate under the jurisdiction of the Department of Corrections performing a work
5981 assignment which requires the handling of any hazardous chemicals. Such term shall not
5982 include those employees of the Environmental Protection Division of the Department of
5983 Natural Resources who are responsible for on-site response and assistance in the case of
5984 environmental emergencies while such employees are engaged in responding to such
5985 emergencies.

5986 (9) 'Employer' or 'public employer' means any branch, department, board, bureau,
5987 commission, authority, or other agency of the state which employs or appoints an
5988 employee or employees. An independent contractor or subcontractor shall be deemed the
5989 sole employer of its employees, even when such employees are performing work at the
5990 workplace of another employer.

5991 (10) 'Exposed' or 'exposure' means that an employee is required by a public employer to
5992 be subjected to a hazardous chemical in the course of employment through any route of
5993 entry, including but not limited to, inhalation, ingestion, skin contact, or absorption and
5994 includes potential or accidental exposure.

5995 (11) 'Hazardous chemical' means any chemical which is a physical hazard or a health
5996 hazard.

5997 (12) 'Health hazard' means a chemical for which there is statistically significant evidence
5998 based on at least one study conducted in accordance with established scientific principles
5999 that acute or chronic health effects may occur in exposed employees and shall include all
6000 examples of hazardous chemicals to which reference is made in the definition of 'health
6001 hazard' under the Occupational Safety and Health Administration standard, 29 C.F.R.
6002 Section 1910.1200 (1987).

6003 (13) 'Importer' means the first individual or employer within the Customs Territory of
6004 the United States who receives hazardous chemicals produced in other countries for the
6005 purpose of supplying them to distributors or users within the United States.

6006 (14) 'Manufacturer' means a person who produces, synthesizes, extracts, or otherwise
6007 makes hazardous chemicals.

6008 (15) 'Material safety data sheet' means the document prepared by manufacturers in
6009 accordance with the requirements of the Occupational Safety and Health Administration
6010 standard, 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987) and containing the
6011 following information:

6012 (A) The chemical name and the common name of the hazardous chemical;

6013 (B) The hazards or other risks in the use of the hazardous chemical, including:

6014 (i) The potential for fire, explosion, corrosivity, and reactivity;

6015 (ii) The known acute and chronic health effects of risks from exposure, including the
6016 medical conditions which are generally recognized as being aggravated by exposure
6017 to the hazardous chemical; and

6018 (iii) The primary routes of entry and the symptoms of overexposure;

6019 (C) The proper precautions, handling practices, necessary personal protective
6020 equipment, and other safety precautions in the use of or exposure to the hazardous
6021 chemicals, including appropriate emergency treatment in case of overexposure;

6022 (D) The emergency procedures for spills, fire, disposal, and first aid;

6023 (E) A description in lay terms of the known specific potential health risks posed by the
6024 hazardous chemical intended to alert any person reading this information; and

6025 (F) The year and month, if available, that the information was compiled and the name,
6026 address, and emergency telephone number of the manufacturer responsible for
6027 preparing the information.

- 6028 (16) 'Mixture' means any combination of two or more chemicals, if the combination is
6029 not, in whole or in part, the result of a chemical reaction.
- 6030 (17) 'Occupational Safety and Health Administration standard' means the Hazard
6031 Communication Standard issued by the Occupational Safety and Health Administration,
6032 29 C.F.R. Sections 1910.0000 through 1910.1500 (1987).
- 6033 (18) 'Person' means any individual, natural person, public or private corporation,
6034 incorporated association, government, government agency, partnership, or unincorporated
6035 association.
- 6036 (19) 'Physical hazard' means a chemical for which there is scientifically valid evidence
6037 that it is a combustible liquid, a compressed gas, explosive, flammable, an organic
6038 peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.
- 6039 (20) 'Produce' means to manufacture, process, formulate, or repackage.
- 6040 (21) 'Work area' means a room inside a building or structure, an outside area, or other
6041 defined space in a workplace where hazardous chemicals are produced, stored, or used
6042 and where employees are present in the course of their employment.
- 6043 (22) 'Workplace' means an establishment or business at one geographic location at which
6044 work is performed by a state employee and which contains one or more work areas. In
6045 the case of an independent contractor or subcontractor, the workplace shall be defined as
6046 all work areas wholly owned or controlled by such independent contractor or
6047 subcontractor.
- 6048 45-22-3.
- 6049 All hazardous chemicals introduced into the workplace by employers and used in the
6050 workplace by employees shall be in labeled containers that meet the requirements of the
6051 Occupational Safety and Health Administration standard; provided, however, that
6052 employers shall not be required to label portable containers into which hazardous
6053 chemicals are transferred from labeled containers provided that the portable container and
6054 the hazardous chemical transferred to it are intended only for the immediate use of an
6055 employee who performs the transfer or who is present at the time of such transfer.
- 6056 45-22-4.
- 6057 A public contractor who introduces hazardous materials into the workplace shall agree, and
6058 include a statement, in all bids, agreements, contracts, or other instrument to the effect that
6059 such contractor shall be responsible for compliance with the provisions of this chapter for
6060 persons employed by such contractor utilized under such contract. Any such public
6061 contractor who introduces hazardous chemicals into the workplace shall provide material
6062 safety data sheets for such chemicals to all employees using them and instruction in

6063 handling, emergency procedures, and disposal prior to introducing such hazardous
6064 chemicals. This Code section shall not be construed to place responsibility on any person,
6065 firm, or corporation other than public contractors.

6066 45-22-5.

6067 (a) The provisions of this chapter shall not apply to:

6068 (1) Impurities which develop as intermediate materials during chemical processing but
6069 are not present in the final mixture and to which employee exposure is unlikely;

6070 (2) Alcoholic beverages as defined in Title 3;

6071 (3) Articles intended for personal consumption by employees in the workplace;

6072 (4) Any consumer product or hazardous substance as those terms are defined in the
6073 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and Federal Hazardous
6074 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, including any such product
6075 or hazardous chemicals manufactured by any state agency, where the employer can
6076 demonstrate it is used in the workplace in the same manner as normal consumer use and
6077 which use results in a duration and frequency of exposure which is not greater than
6078 exposures experienced by consumers;

6079 (5) Articles sold or used in retail food establishments and retail trade establishments;

6080 (6) Chemicals which are merely being transported in the state as part of a shipment in
6081 interstate or intrastate commerce; or

6082 (7) Chemicals or mixtures which may be hazardous but which are covered by the federal
6083 Atomic Energy Act and the federal Resource Conservation and Recovery Act.

6084 (b) The provisions of this chapter shall not require labeling of the following chemicals:

6085 (1) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and
6086 Rodenticide Act, 7 U.S.C. Section 136, et seq., when such pesticide is subject to the
6087 labeling requirements of that federal act and labeling regulations issued under that federal
6088 act by the United States Environmental Protection Agency;

6089 (2) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary
6090 device, including materials intended for use as ingredients in such products, as such terms
6091 are defined in the federal Food, Drug and Cosmetic Act, 21 U.S.C. Section 301, et seq.,
6092 and regulations issued under that federal act, when subject to the labeling requirements
6093 under that federal act by the Food and Drug Administration;

6094 (3) Any distilled spirits, beverage alcohols, wine, or malt beverage intended for
6095 nonindustrial use as such terms are defined in the federal Alcohol Administration Act, 27
6096 U.S.C. Section 201, et seq., and regulations issued under that federal act, when subject
6097 to the labeling requirements of that federal act by the United States Bureau of Alcohol,
6098 Tobacco, and Firearms; or

6099 (4) Any consumer product or hazardous substance as those terms are defined in the
6100 Consumer Product Safety Act, 15 U.S.C. Section 2051, et seq., and the federal Hazardous
6101 Substances Act, 15 U.S.C. Section 1261, et seq., respectively, when subject to a
6102 consumer product safety standard or labeling requirement of those federal acts or
6103 regulations issued under those federal acts by the Consumer Product Safety Commission.

6104 45-22-6.

6105 (a) The department shall promulgate such rules and regulations as may be necessary to
6106 administer this chapter.

6107 (b) The department shall consult with persons knowledgeable in the field of hazardous
6108 chemicals to assist the department in carrying out its duties under this chapter.

6109 45-22-7.

6110 (a) The manufacturer, importer, or distributor of any hazardous chemical shall prepare a
6111 material safety data sheet which, to the best knowledge of the manufacturer, importer, or
6112 distributor, is current, accurate, and complete, based on information then reasonably
6113 available to the manufacturer, importer, or distributor, and provide a copy of the material
6114 safety data sheet to employers who purchase such hazardous chemicals and an electronic
6115 copy to the department annually.

6116 (b) Any person who produces a mixture may, for the purposes of this Code section,
6117 prepare and use a mixture material safety data sheet, subject to the provisions of subsection
6118 (j) of this Code section.

6119 (c) A manufacturer, importer, distributor, or employer may provide the information
6120 required by this Code section on an entire mixture, instead of on each hazardous chemical
6121 in it, when all of the following conditions exist:

6122 (1) Toxicity test information exists on the mixture itself or adequate information exists
6123 to form a valid judgment of the hazardous properties of the mixture itself and the material
6124 safety data sheet indicates that the information presented and the conclusions drawn are
6125 from some source other than direct test data on the mixture itself, and that a material
6126 safety data sheet on each constituent hazardous chemical identified on the material safety
6127 data sheet is available upon request;

6128 (2) Provision of information on the mixture will be as effective in protecting employee
6129 health as information on the ingredients;

6130 (3) The hazardous chemicals in the mixture are identified on the material safety data
6131 sheet unless it is unfeasible to describe all the ingredients in the mixture, provided that
6132 the reason why the hazardous chemicals in the mixture are not identified shall be stated
6133 on the material safety data sheet; and

6134 (4) A single mixture material safety data sheet may be provided for more than one
6135 formulation of a product mixture if the information provided does not vary for the
6136 formulation.

6137 (d) A manufacturer, importer, or distributor who is responsible for preparing and
6138 transmitting a material safety data sheet under the provisions of this Code section shall
6139 revise such material safety data sheet on a timely basis, as appropriate to the importance
6140 of any new information which would affect the contents of the existing material safety data
6141 sheet, and in any event within three months of such information becoming available to the
6142 manufacturer, importer, or distributor. Each such manufacturer, importer, or distributor
6143 shall provide a copy of the material safety data sheet to employers who have purchased
6144 such hazardous chemicals and an electronic copy to the department.

6145 (e) Any person subject to the provisions of this Code section shall be relieved of the
6146 obligation to provide a direct purchaser of a hazardous chemical with a material safety data
6147 sheet if:

6148 (1) He or she has a record of having provided the direct purchaser with the most recent
6149 version of the material safety data sheet;

6150 (2) The chemical is labeled pursuant to:

6151 (A) The federal Atomic Energy Act; or

6152 (B) The federal Resource Conservation Recovery Act; or

6153 (3) The article is one sold at retail and is incidentally sold to an employer or the
6154 employer's employees in the same form, approximate amount, concentration, and manner
6155 as it is sold to consumers, and, to the seller's knowledge, employee exposure to the article
6156 is not significantly greater than the consumer exposure occurring during the principal
6157 consumer use of the article.

6158 (f) If an employer is not supplied with a material safety data sheet by a manufacturer,
6159 importer, or distributor for a hazardous chemical subject to this Code section, such
6160 employer shall, within a reasonable amount of time after discovering that a material safety
6161 data sheet has not been supplied, use diligent efforts to obtain such material safety data
6162 sheet from the manufacturer, importer, or distributor. For purposes of this subsection,
6163 'diligent efforts' means a prompt inquiry by the employer to the manufacturer, importer, or
6164 distributor of the hazardous chemicals; provided, however, that an independent contractor
6165 or subcontractor shall be responsible for obtaining the material safety data sheet for his or
6166 her employees in the workplace of another.

6167 (g) If after having used diligent efforts, an employer still fails to obtain a material safety
6168 data sheet, such employer shall notify the department of the employer's inability to obtain
6169 such material safety data sheet.

6170 (h) An employer who has used diligent efforts and who has made a documented
6171 notification to the department pursuant to this Code section shall not be found in violation
6172 of this Code section with respect to the material safety data sheet which was not supplied
6173 by the manufacturer, importer, or distributor as required by this Code section.

6174 (i) Every employer who manufactures, produces, uses, applies, or stores hazardous
6175 chemicals in the workplace shall post a notice as prescribed by rule or regulation
6176 promulgated by the department in a place where notices are normally posted, informing
6177 employees of their rights under this chapter.

6178 (j) Every employer who manufactures, produces, uses, applies, or stores hazardous
6179 chemicals in the workplace shall maintain a material safety data sheet for each hazardous
6180 chemical which is present in such workplace. All material safety data sheets shall be
6181 readily available in the workplace; provided, however, that employers who maintain one
6182 or more work areas which are not fixed at specific geographic locations shall be authorized
6183 to maintain material safety data sheets for each hazardous chemical used in such work area
6184 at a central location.

6185 (k)(1) A material safety data sheet may be kept in any form, including operations
6186 procedures, and may be designed to cover groups of hazardous chemicals in a work area
6187 where it may be appropriate to address the hazards of a process rather than individual
6188 hazardous chemicals. The employer shall ensure that in all cases the required information
6189 is provided for each hazardous chemical, and is readily accessible during each workshift
6190 to employees when they are in their work area; provided, however, that employers who
6191 maintain one or more work areas which are not fixed at specific geographic locations
6192 shall be authorized to maintain material safety data sheets for each hazardous chemical
6193 used in such work area at a central location.

6194 (2) Any employee may request in writing and shall have the right to examine and obtain
6195 the material safety data sheets for the hazardous chemicals to which he or she is, has
6196 been, or may be exposed. The employer shall provide any material safety data sheet
6197 within its possession within five of the requesting employee's working days, subject to
6198 the provisions of subsection (g) of this Code section. The employer may adopt
6199 reasonable procedures for acting upon such requests to avoid interruption of normal work
6200 operations.

6201 (3) An independent contractor or subcontractor working in the workplace of another
6202 employer may request in writing and shall have the right to examine the material safety
6203 data sheets for the hazardous chemicals to which such contractor, subcontractor, or
6204 employees thereof are, have been, or may be exposed. The employer shall provide any
6205 material safety data sheet within its possession within five of the requesting independent
6206 contractor's or subcontractor's working days, subject to the provisions of subsection (g)

6207 of this Code section. The employer may adopt reasonable procedures for acting upon
6208 such requests to avoid interruption of normal work operations.

6209 (4) If an employee who has requested a material safety data sheet pursuant to this chapter
6210 has not received such material safety data sheet within five of the requesting employee's
6211 working days, subject to the provisions of subsection (g) of this Code section, that
6212 employee may refuse to work with the chemical for which he or she has requested the
6213 material safety data sheet until such material safety data sheet is provided by the
6214 employer; provided, however, that nothing contained in this paragraph shall be construed
6215 to permit any employee to refuse to perform essential services, as such term is defined
6216 by rule or regulation; provided, further, that nothing in this paragraph shall be construed
6217 to interfere with the right of the employer to transfer an employee who so refuses to work
6218 to other duties until such material safety data sheet is provided, such a transfer not to be
6219 considered as a discriminatory act under Code Section 45-22-10. No pay, position,
6220 seniority, or other benefits shall be lost for exercise of any right provided by this chapter
6221 as a result of such a transfer.

6222 (l) No employer shall discharge or otherwise discriminate against an employee for the
6223 employee's assertion of the employee's rights under this chapter.

6224 (m) For the purposes of this Code section, an employer, independent contractor, or
6225 subcontractor shall maintain material safety data sheets for their own workplaces only;
6226 provided, however, that employees of such independent contractor or subcontractor, insofar
6227 as they are exposed in the course of their employment to hazardous chemicals in other
6228 workplaces, shall have the right to examine material safety data sheets for those chemicals
6229 to which they are exposed from the workplace employer through a written request to their
6230 own employer as provided in paragraph (2) of subsection (k) of this Code section.
6231 Nothing contained in this chapter shall be construed to require an employer to conduct
6232 studies to develop new information.

6233 45-22-8.

6234 (a) Each employer shall be required to comply with the minimum information standards
6235 set forth in this subsection. Each employee shall be informed of:

6236 (1) The requirements of this Code section;

6237 (2) What a material safety data sheet is and the contents of the material safety data sheet
6238 for any hazardous chemical to which he or she is exposed, or equivalent information,
6239 either in written form or through training programs;

6240 (3) Any operations in his or her work area where hazardous chemicals are present;

6241 (4) The location and availability of training programs;

6242 (5) His or her right to receive information regarding hazardous chemicals to which he
6243 or she may be exposed;

6244 (6) His or her right for his or her physician to receive information regarding hazardous
6245 chemicals to which the employee may be exposed; and

6246 (7) His or her right against discharge or other discrimination due to the employee's
6247 exercise of the rights provided by this chapter.

6248 (b) In addition to providing the information required by subsection (a) of this Code
6249 section, each employer shall be required to provide a training program for all employees
6250 who are exposed to hazardous chemicals in the normal course of their employment. When
6251 training employees who are exposed to hazardous chemicals, the employer shall explain
6252 any physical or health hazards associated with the use of the chemical or mixture; proper
6253 precautions for handling; necessary personal protective equipment or other safety
6254 precautions necessary to prevent or minimize exposure to the hazardous chemical; methods
6255 of observation that may be used to detect the presence or release of a hazardous chemical
6256 in a work area, including, but not limited to, spot check monitoring, continuous monitoring,
6257 or methods of visual or olfactory detection; the labeling system and the material safety data
6258 sheet, and how employees can obtain and use the appropriate hazard information; and
6259 emergency procedures for spills, fire, disposal, and first aid. This information may relate
6260 to an entire class of hazardous chemicals to the extent appropriate and related to the job.
6261 Whenever any employer receives a new or revised material safety data sheet, such
6262 information shall be provided to employees on a timely basis not to exceed 30 days after
6263 receipt, if the new information indicates significantly increased risks to or measures
6264 necessary to protect employee health as compared to those stated on a material safety data
6265 sheet previously provided.

6266 (c) The department shall by rule or regulation establish minimum information and training
6267 standards for compliance with this Code section.

6268 45-22-9.

6269 On and after July 1, 1989, each employer shall publish in print or electronically in January
6270 and July of each year a list of hazardous chemicals that its employees use or are exposed
6271 to in the workplace. Such list shall be available for public inspection at the workplace
6272 office. A comprehensive list of all hazardous chemicals used by the employer shall also be
6273 available for public inspection at the employer's state headquarters.

6274 45-22-10.

6275 (a) No person shall discharge or cause to be discharged or otherwise discipline or in any
6276 manner discriminate against any employee for any of the following reasons:

- 6277 (1) The employee has requested information regarding hazardous chemicals, filed any
 6278 complaint or action, or has instituted, or caused to be instituted, any proceeding under this
 6279 chapter;
- 6280 (2) The employee has testified or is about to testify in any proceeding in his or her own
 6281 behalf or on behalf of others; or
- 6282 (3) The employee has exercised any other right afforded pursuant to the provisions of
 6283 this chapter.
- 6284 (b) No pay, position, seniority, or other benefits shall be lost for exercise of any right
 6285 provided by this chapter.

6286 45-22-11.

- 6287 (a) In order to enforce the provisions of this chapter, any employee adversely affected by
 6288 a violation of this chapter by that employee's employer may file a grievance in accordance
 6289 with the employer's established grievance procedures. Appointing authorities shall pursue
 6290 all complaints concerning occupational exposure to hazardous chemicals.
- 6291 (b) Upon any violation of Code Section 45-22-4 by a contractor, the employer under
 6292 agreement with such contractor shall have the right to terminate the contract without
 6293 liability.
- 6294 (c) Nothing in this chapter shall change or modify the right or ability of employers to
 6295 dismiss or discipline employees in accordance with the laws of this state.
- 6296 (d) Any employee dissatisfied with a final decision of an appointing authority with regard
 6297 to a grievance filed pursuant to subsection (a) of this Code section shall be entitled to
 6298 judicial review in the same manner as provided for judicial review of contested cases in
 6299 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

6300 45-22-12.

6301 Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity
 6302 of the state or any branch, department, board, bureau, commission, authority, or other
 6303 agency of the state. A violation of the provisions of this chapter shall not be the basis for
 6304 an action for damages against the state or any branch, department, board, bureau,
 6305 commission, authority, or other agency of the state or any member, officer, or employee
 6306 of the state or any branch, department, board, bureau, commission, authority, or other
 6307 agency of this state and said entities and persons are granted immunity from civil actions
 6308 for damages for any violation of the provisions of this chapter."

PART XVII
SECTION 17-1.

Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding administrative procedure, is amended by revising Code Section 50-13-21, relating to compliance with filing and hearing requirements by Safety Fire Commissioner and Commissioner of Insurance, as follows:

"50-13-21.

(a) As to such regulations, standards, and plans as are required by law to be filed and kept on file with the office of the Secretary of State, the ~~Commissioner of Insurance, when performing the duties as Safety Fire Commissioner,~~ commissioner of fire safety may comply with the filing requirements of this chapter by filing with the office of the Secretary of State merely the name and designation of such regulations, standards, and plans, provided that the regulations, standards, and plans are kept on file in the office of the ~~Commissioner of Insurance~~ commissioner of fire safety by the titles otherwise applicable under this chapter and the regulations, standards, and plans are open for public examination and copying. The ~~Commissioner of Insurance, when performing the duties as Safety Fire Commissioner,~~ commissioner of fire safety may also satisfy the procedure for conduct of hearings on contested cases and rule making required under this chapter by following Chapter 2 of Title 33.

(b) The ~~Commissioner of Insurance, when performing the duties as Commissioner of Insurance,~~ may satisfy the procedure for conduct of hearings on contested cases required under this chapter by following Chapter 2 of Title 33. ~~When the Commissioner of Insurance is performing rule-making duties as~~ The Commissioner of Insurance, he shall satisfy the procedures required under this chapter and under Chapter 2 of Title 33. In the event of any conflicts between rule-making procedures of this chapter and Chapter 2 of Title 33 as it respects duties of the Commissioner of Insurance, this chapter shall govern."

PART XVIII
SECTION 18-1.

Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to standards and requirements for construction, alteration, etc., of buildings and other structures, is amended by revising subdivision (9)(B)(ii)(D) of Code Section 8-2-20, relating to definitions, as follows:

"(D) The term 'state minimum standard codes' shall specifically not include the Georgia State Fire Code as adopted by the ~~Safety Fire Commissioner~~ commissioner of fire

6343 safety pursuant to Code Section 25-2-13 nor shall any state minimum standard code be
6344 less restrictive than the Georgia State Fire Code."

6345 **SECTION 18-2.**

6346 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code
6347 Section 8-2-24, relating to appointment of advisory committee, reimbursement of members
6348 for expenses, use of subcommittees, submittal or proposed amendments, modifications, and
6349 new provisions to committee, and meeting times of committee, as follows:

6350 "(1) The ~~Safety Fire Commissioner~~ commissioner of fire safety or his or her designee as
6351 an ex officio member with full voting privileges;"

6352 **SECTION 18-3.**

6353 Said chapter is further amended by revising paragraph (4) of subsection (c) of Code Section
6354 8-2-31, relating to effect of part, as follows:

6355 "(4) The Georgia State Fire Code as adopted by the ~~Safety Fire Commissioner~~
6356 commissioner of fire safety pursuant to Code Section 25-2-13."

6357 **SECTION 18-4.**

6358 Said chapter is further amended by revising Code Section 8-2-202, relating to definitions, as
6359 follows:

6360 "8-2-202.

6361 As used in this article, the term:

6362 (1) 'Enforcement authority' means the ~~Safety Fire Commissioner~~ commissioner of fire
6363 safety, the state fire marshal, local building officials, local fire marshals, or any other
6364 state or local officials responsible for the implementation, application, or enforcement of
6365 any state law or local ordinance relating to building construction, or any state or local rule
6366 or regulation relating to building construction, or any building, mechanical, electrical,
6367 plumbing, life safety or fire prevention codes, or other construction standards that apply
6368 or are intended to apply to existing buildings. The term 'enforcement authority' also
6369 means any local official designated by the local governing authority as the enforcement
6370 authority for the purposes of this article.

6371 (2) 'Existing building or structure' means any completed building or structure which has
6372 been placed in service for a minimum of five years.

6373 (3) ~~'Safety Fire Commissioner' or 'Commissioner' means the office created in Code~~
6374 ~~Section 25-2-2.'~~

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SECTION 18-5.

Said chapter is further amended by revising Code Section 8-2-203, relating to effect of article on state and local enforcement authorities, as follows:

"8-2-203.

The provisions of this article shall be mandatory and binding on the commissioner of fire safety, state fire marshal, ~~the Safety Fire Commissioner~~, and other state officials responsible for state building code, fire code, life safety code, or other construction code enforcement. This article is not mandatory or binding on local enforcement authorities; provided, however, that any local building, fire, life safety, plumbing, electrical, mechanical, or other construction code enforcement authority may apply the applicable provisions of this article to any existing building whenever the local governing authority has adopted this article by reference and whenever such local code enforcement authority determines the need to utilize compliance alternatives to any provisions of the rules, regulations, codes, or standards he or she is empowered to interpret, apply, or enforce under authority of any state law or local ordinance. This article is a tool for use of code enforcement authorities to use as deemed appropriate in attempting to resolve problems encountered while enforcing codes and standards with regard to existing buildings and structures. Enforcement authorities should advise appropriate appeals boards of the provisions, purposes, and intent of this article."

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SECTION 18-6.

Said chapter is further amended by revising Code Section 8-2-220, relating to rules and regulations, as follows:

"8-2-220.

The ~~Safety Fire Commissioner~~ commissioner of fire safety shall promulgate reasonable rules and regulations to implement and carry out the requirements of this article."

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SECTION 18-7.

Said chapter is further amended by revising Code Section 8-2-221, relating to appeals of rulings or decisions, as follows:

"8-2-221.

Should any person, firm, corporation, or other entity be dissatisfied with any ruling or decision of the state fire marshal pursuant to the provisions of this article, the right is granted to appeal within ten days to the ~~Commissioner~~ commissioner of fire safety. If the person, firm, corporation, or other entity is dissatisfied with the decision of the ~~Commissioner~~ commissioner of fire safety, appeal is authorized to the superior court within 30 days in the manner provided under Chapter 13 of Title 50-, the 'Georgia Administrative

6410 Procedure Act.' In the event of such appeal, the person, firm, corporation, or other entity
 6411 shall give a surety bond which will be conditioned upon compliance with the order and
 6412 direction of the ~~state fire marshal or the Commissioner or both~~ commissioner of fire safety.
 6413 The amount of bond shall be fixed by the ~~Commissioner~~ commissioner of fire safety in
 6414 such amount as will reasonably cover the order issued by the ~~Commissioner~~ commissioner
 6415 of fire safety or the state fire marshal or both."

6416 **SECTION 18-8.**

6417 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
 6418 amended by revising Code Section 25-3-6, relating to effect of article on powers and duties
 6419 of other officials and departments, as follows:

6420 "25-3-6.

6421 This article shall not affect the duties, powers, or responsibilities of the Safety Fire
 6422 Commissioner, the commissioner of fire safety, the Department of Fire Safety, the state fire
 6423 marshal, the sheriff's office, the Department of Public Safety, local law enforcement
 6424 agencies, the Department of Agriculture, the Department of Natural Resources, the State
 6425 Forestry Commission, the Department of Transportation, the Department of Defense, or
 6426 the Department of Public Health."

6427 **SECTION 18-9.**

6428 Chapter 3 of Title 30 of the Official Code of Georgia Annotated, relating to access to and use
 6429 of public facilities by persons with disabilities, is amended by revising paragraph (4) of Code
 6430 Section 30-3-2, relating to definitions, as follows:

6431 "(4) 'Commissioner' means the ~~Safety Fire Commissioner provided for in Chapter 2 of~~
 6432 ~~Title 25~~ commissioner of fire safety."

6433 **SECTION 18-10.**

6434 Said chapter is further amended by revising Code Section 30-3-3, relating to applicable
 6435 standards and specifications and granting of exemptions, as follows:

6436 "30-3-3.

6437 All government buildings, public buildings, and facilities receiving permits for construction
 6438 or renovation after July 1, 1995, shall comply with the rules and regulations adopted by the
 6439 ~~Commissioner~~ commissioner which meet ADAAG and establish the minimum state
 6440 standards for accessibility. All government buildings, public buildings, and facilities
 6441 receiving permits for construction or renovation after July 1, 1984, but before July 1, 1987,
 6442 shall comply with the American National Standards Institute specifications A117.1-1980
 6443 or A117.1-1986 for making buildings and facilities accessible to and usable by people with

6444 disabilities except as otherwise provided in paragraph (10) of Code Section 30-3-2; and all
 6445 government buildings, public buildings, and facilities receiving permits for construction
 6446 or renovation after July 1, 1987, but before July 1, 1995, shall comply with the American
 6447 National Standards Institute specifications A117.1-1986 for making buildings and facilities
 6448 accessible to and usable by people with disabilities except as otherwise provided in
 6449 paragraph (10) or subparagraph (C) of paragraph (11) of Code Section 30-3-2; provided,
 6450 however, that nothing in this Code section is intended to require the addition of an elevator
 6451 where none exists or is planned, solely for the purpose of providing an accessible route
 6452 between floor levels; and provided, further, that the ~~Safety Fire Commissioner~~
 6453 commissioner or, where applicable, the Board of Regents of the University System of
 6454 Georgia or the local governing authority having jurisdiction over the buildings in question
 6455 upon receipt of a sworn written statement from the person who owns or controls the use of
 6456 any government building, public building, or facility subject to the requirements of this
 6457 chapter and after taking all circumstances into consideration may determine that full
 6458 compliance with any particular standard or specification set forth in this chapter is
 6459 impractical, whereupon there shall be substantial compliance with the standards or
 6460 specifications to the maximum extent practical and, within 45 days of such determination,
 6461 a written record shall be made by the ~~Safety Fire Commissioner~~ commissioner or, where
 6462 applicable, the board of regents or the local governing authority having jurisdiction over
 6463 the buildings in question, setting forth the reasons why it is impractical for the person
 6464 subject to this chapter to comply fully with the particular standard or specification and also
 6465 setting forth the extent to which the government building, public building, or facility shall
 6466 conform with the standard or specification. The ~~Safety Fire Commissioner~~ commissioner
 6467 or, where applicable, the board of regents or the local governing authority having
 6468 jurisdiction over the buildings in question shall be responsible for making a final
 6469 determination as to whether or not an exemption shall be granted."

6470 **SECTION 18-11.**

6471 Said chapter is further amended by revising Code Section 30-3-7, relating to administration
 6472 and enforcement of chapter, as follows:

6473 "30-3-7.

6474 (a)(1) Except for buildings under the jurisdiction of the Board of Regents of the
 6475 University System of Georgia, all buildings subject to the jurisdiction of the ~~Safety Fire~~
 6476 ~~Commissioner~~ Department of Fire Safety pursuant to Code Section 25-2-12 and
 6477 subsection (c) of Code Section 25-2-13 shall be subject to the jurisdiction of the ~~Safety~~
 6478 ~~Fire Commissioner~~ commissioner for purposes of enforcement of this chapter.

6479 (2) With respect to any such building, the ~~Safety Fire Commissioner~~ commissioner shall
 6480 have the following powers and duties:

6481 (A) No such building shall be built in this state by any private person or corporation
 6482 or public entity unless it conforms to the requirements of Code Sections 30-3-3 and
 6483 30-3-5 and its plans and specifications have been approved by the ~~Commissioner~~
 6484 commissioner as provided in this subparagraph. All plans and specifications shall
 6485 identify the architect or engineer who prepared them in a manner acceptable to the
 6486 ~~Commissioner~~ commissioner. The ~~Commissioner~~ commissioner shall approve the plans
 6487 and specifications only if they conform to the requirements of this chapter. The
 6488 ~~Commissioner~~ commissioner shall not require any additional fee for each submission
 6489 of plans or specifications other than the standard fee required by Code Section 25-2-4.1.
 6490 No local governing authority shall issue any building permit for any building subject
 6491 to this subsection without proof of the approval required by this subparagraph;

6492 (B) In any case where the ~~Commissioner~~ commissioner denies approval under
 6493 subparagraph (A) of this paragraph or an exemption under subparagraph (C) of this
 6494 paragraph, the rights and remedies of the person submitting the same shall be those
 6495 provided by Chapter 2 of Title 33; and

6496 (C) Upon a showing that full compliance with any particular requirement or
 6497 requirements is impractical or not necessary to accomplish the purposes of this chapter,
 6498 the ~~Commissioner~~ commissioner may exempt a building from full compliance with the
 6499 requirement or requirements and approve plans and specifications which do not
 6500 conform, or which only partially conform, to the requirement or requirements.

6501 (b) The board of regents shall be responsible for the administration and enforcement of this
 6502 chapter with respect to all buildings and facilities under its jurisdiction. No construction
 6503 plans for any such building or facility shall be approved by the board of regents for any
 6504 construction within the University System of Georgia unless the building or facility
 6505 conforms to Code Sections 30-3-3 and 30-3-5 and unless the architect or engineer
 6506 responsible for preparation of said plans and specifications affixes that person's seal on
 6507 such plans. The affixing of the seal of an architect or engineer to said plans shall constitute
 6508 a certification that to the best of that person's knowledge, information, and belief they have
 6509 been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate of
 6510 compliance may be displayed on said plans in lieu of the architect's or engineer's seal. The
 6511 builder, developer, contractor, or building owner following said plans shall require an
 6512 architect's or engineer's seal or a certificate of compliance to be displayed on the plans
 6513 before starting construction.

6514 (c) Local governing authorities shall be responsible for the administration and enforcement
 6515 of this chapter with regard to all government and public buildings and facilities which are

6516 not under the jurisdiction of the ~~Safety Fire Commissioner~~ commissioner or board of
6517 regents, pursuant to subsections (a) and (b) of this Code section and which are under the
6518 jurisdiction of such local governing authorities. No building permit for any such building
6519 or facility shall be approved by any local governing authority for any private person,
6520 corporation, partnership, association, or public entity unless the plans and specifications
6521 conform to the requirements of Code Sections 30-3-3 and 30-3-5 and unless the architect
6522 or engineer responsible for preparation of said plans and specifications affixes that person's
6523 seal on such plans. The affixing of the seal of an architect or engineer to said plans shall
6524 constitute a certification that to the best of that person's knowledge, information, and belief
6525 they have been prepared in conformity with Code Sections 30-3-3 and 30-3-5. A certificate
6526 of compliance may be displayed on said plans in lieu of the architect's or engineer's seal.
6527 The builder, developer, contractor, or building owner following said plans shall require
6528 such a seal or a certificate of compliance on the plans before starting construction. All
6529 construction plans must display such a certificate of compliance, or a seal provided by the
6530 architect or engineer, for all construction in local governing jurisdictions which do not
6531 require building permits. In all areas where local governing authority building permits are
6532 not required, the builder, developer, contractor, or building owner following said plans
6533 shall require such an architect's or engineer's seal or a certificate of compliance to be
6534 displayed on the plans before starting construction.

6535 (d) In the performance of their responsibilities under this chapter, all state rehabilitation
6536 agencies and appropriate elected or appointed officials shall be required to cooperate with
6537 and assist the ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the
6538 appropriate local building code officials or local fire department, or any combination
6539 thereof, having jurisdiction over the buildings in question.

6540 (e) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
6541 building code officials or the local fire department, or any combination thereof, having
6542 jurisdiction over the buildings in question shall from time to time inform, in writing,
6543 professional organizations and others of this chapter and its application.

6544 (f)(1) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local
6545 governing authority having jurisdiction over the buildings in question shall have all
6546 necessary powers to require compliance with their rules, regulations, and procedures, and
6547 modifications thereof and substitutions therefor, including powers to institute and
6548 prosecute proceedings in the superior court to compel compliance, and shall not be
6549 required to pay any entry or filing fee in connection with the institution of such
6550 proceedings.

6551 (2) No person, firm, or corporation shall be subject to a complaint for not complying
6552 with the provisions of subparagraph (C) of paragraph (11) of Code Section 30-3-2 unless

90 days have passed since such person, firm, or corporation has been notified by certified mail or statutory overnight delivery of the alleged violation of the provisions of subparagraph (C) of paragraph (11) of Code Section 30-3-2. Such notification shall include a warning of an impending complaint if the alleged violation is not corrected before the expiration of the 90 day warning period. The 90 day warning period shall not apply to any structure or facility other than parking lots nor to any part of this chapter other than subparagraph (C) of paragraph (11) of Code Section 30-3-2.

(g) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local governing authority having jurisdiction over the buildings in question, after consultation with state rehabilitation agencies and other sources as they might determine, are authorized to promulgate such rules, regulations, and procedures as might reasonably be required to implement and enforce their responsibilities under this chapter. Such rules, regulations, and procedures shall not be less restrictive than those established by the ~~Commissioner~~ commissioner.

(h) The ~~Safety Fire Commissioner~~ commissioner, the board of regents, and the local governing authority having jurisdiction over the buildings in question, after consultation with state rehabilitation agencies, are also authorized to waive any of the standards and specifications presently set forth in this chapter and to substitute in lieu thereof standards or specifications consistent in effect to such standards or specifications heretofore adopted by the American Standards Association, Inc."

SECTION 18-12.

Code Section 31-7-12.2 of the Official Code of Georgia Annotated, relating to regulation and licensing of assisted living communities, legislative intent, definitions, procedures, and requirements for medication aides, is amended by revising paragraph (4) of subsection (b) and subsection (e) as follows:

"(4) 'Assisted self-preservation' means the capacity of a resident to be evacuated from an assisted living community, to a designated point of safety and within an established period of time as determined by the ~~Office of the Safety Fire Commissioner~~ Department of Fire Safety. Assisted self-preservation is a function of all of the following:

(A) The condition of the individual;

(B) The assistance that is available to be provided to the individual by the staff of the assisted living community; and

(C) The construction of the building in which the assisted living community is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy."

6588 "(e) An assisted living community shall maintain fire detection and prevention equipment,
 6589 including visual signals with alarms for hearing impaired residents, in accordance with
 6590 manufacturer instructions and the requirements of the ~~Office of the Safety Fire~~
 6591 ~~Commissioner~~ Department of Fire Safety."

6592 **SECTION 18-13.**

6593 Code Section 33-2-9 of the Official Code of Georgia Annotated, relating to rules and
 6594 regulations adopted by the Commissioner of Insurance, is amended by revising subsection (e)
 6595 as follows:

6596 "(e) Neither the ~~Commissioner, whether acting as Commissioner of Insurance or Safety~~
 6597 ~~Fire~~ Commissioner of Insurance, nor the department, nor the ~~Safety Fire Division of the~~
 6598 ~~office of the Commissioner~~ commissioner of fire safety shall propose or adopt rules or
 6599 regulations relating to the sale or dispensing of gasoline or diesel fuel to the general public
 6600 by any business entity unless such rules or regulations require such sale or dispensing to
 6601 be under the direct control and visual supervision of an on-site employee of such business
 6602 entity."

6603 **SECTION 18-14.**

6604 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 6605 by revising subsection (c) of Code Section 42-4-31, relating to required safety and security
 6606 measures, as follows:

6607 "(c) The officer in charge of a detention facility shall have the facility inspected
 6608 semiannually by an officer from the state fire marshal's office or an officer selected by
 6609 the ~~Safety Fire Commissioner~~ commissioner of fire safety. Each detention facility shall
 6610 be required to comply with this article with regard to fire safety and the applicable rules
 6611 and regulations promulgated by the ~~Safety Fire Commissioner~~ commissioner of fire
 6612 safety. The inspecting officer shall fill out a form provided by the officer in charge and
 6613 the form shall be posted in a conspicuous place by the officer in charge, thereby
 6614 evidencing inspection of the facility."

6615 **SECTION 18-15.**

6616 Code Section 43-14-13 of the Official Code of Georgia Annotated, relating to applicability
 6617 of chapter, is amended by revising subsection (o) as follows:

6618 "(o) This chapter shall not prohibit any propane dealer who is properly insured as required
 6619 by law and who holds a liquefied petroleum gas license issued by the ~~Safety Fire~~
 6620 ~~Commissioner~~ commissioner of fire safety from installing, repairing, or servicing a propane
 6621 system or the gas piping or components of such system; provided, however, that such

6622 propane dealers shall be prohibited from performing the installation of conditioned air
6623 systems or forced air heating systems unless licensed to do so under this chapter."

6624 **SECTION 18-16.**

6625 Article 1 of Chapter 14 of Title 45 of the Official Code of Georgia Annotated, relating to
6626 general provisions regarding the Commissioner of Insurance, is amended by revising Code
6627 Section 45-14-3, relating to duties as Safety Fire Commissioner and Industrial Loan
6628 Commissioner, as follows:

6629 "45-14-3.

6630 The Commissioner of Insurance shall be ~~the Safety Fire Commissioner and the Industrial~~
6631 ~~Loan Commissioner.~~"

6632 **SECTION 18-17.**

6633 Said article is further amended by revising Code Section 45-14-5, relating to seal, as follows:

6634 "45-14-5.

6635 The Commissioner of Insurance, ~~Safety Fire Commissioner~~, and Industrial Loan
6636 Commissioner shall have an official seal for each office of such design as he or she shall
6637 select with the approval of the Governor."

6638 **PART XIX**

6639 **SECTION 19-1.**

6640 Parts I and XX of this Act shall become effective on January 1, 2019, and all other parts of
6641 this Act shall become effective on July 1, 2019.

6642 **PART XX**

6643 **SECTION 20-1.**

6644 All laws and parts of laws in conflict with this Act are repealed.