

# WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

**House Bill 4611**

BY DELEGATES J. JEFFRIES, D. JEFFRIES, HANNA,

MAYNARD, PORTERFIELD, PHILLIPS, PAYNTER,

BARNHART, C. MARTIN, LINVILLE AND PACK

[Passed March 7, 2020; in effect ninety days from passage.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4:47

FILED

HB4611

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1 AN ACT to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as  
2 amended, all relating generally to fireworks; requiring the State Fire Marshal to establish  
3 a procedure that allows a fireworks retailer to combine and pay all applicable fees in a  
4 single payment.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3E. FIREWORKS SAFETY.**

**§29-3E-5. Consumer fireworks certificate required.**

1 (a) A retailer may not sell consumer fireworks unless the retailer is certified under this  
2 article.

3 (b) To be certified to sell consumer fireworks a retailer shall:

4 (1) Submit an application to the State Fire Marshal;

5 (2) Submit with the application a copy of his or her current business registration certificate;

6 (3) Pay a fee of \$500 for each temporary retail sales location and \$1000 for each  
7 permanent retail sales location to the State Fire Marshal;

8 (4) Provide the State Fire Marshal proof that the retailer maintains at all times public liability  
9 and product liability insurance with minimum coverage limits of \$1 million to cover losses,  
10 damages or injuries that might result from selling consumer fireworks; and

11 (5) Provide other information as the State Fire Marshal may require by legislative rule.

12 (c) A consumer fireworks certificate is valid from April 1 through March 31 of the next  
13 calendar year.

14 (d) A consumer fireworks certificate is not transferable.

15 (e) A retailer shall post the certificate in a conspicuous place at the location of the  
16 business.

17 (f) A separate certificate is required for each location of the business.

18 (g) A certificate holder may also sell sparkling devices and novelties at the same location  
19 without additionally obtaining a sparkling devices and novelties registration.

20 (h) A retailer who sells consumer fireworks shall comply with the regulations provided in  
21 NFPA 1124.

22 (i) A retailer who sells consumer fireworks shall comply with all regulations provided in  
23 NFPA 1124. The State Fire Marshal may by legislative rule, promulgate rules to supplement those  
24 rules established in NFPA 1124.

25 (j) A retailer shall sell the consumer fireworks only from a permanent building or structure  
26 that meets the specifications in NFPA 1124 or a temporary facility or structure that meets the  
27 specifications of NFPA 1124.7.3.5.

28 (k) Any fees collected pursuant to this section shall be deposited in the State Fire Marshal  
29 Fees Fund established by the provisions of §29-3-12b of this code.

30 (l) Notwithstanding any provision of this article to the contrary, no retailer may offer  
31 consumer fireworks for sale before June 1, 2016.

**§29-3E-8. State Fire Marshal's Rule-making Authority.**

1 The State Fire Marshal may promulgate emergency rules and shall propose legislative  
2 rules for promulgation, in accordance with §29A-3-1 *et seq.* of this code, to implement this article,  
3 including:

4 (1) Adopting by reference the most recent edition of APA Standard 87-1;

5 (2) Adopting by reference the most recent edition of NFPA 1123, Code for Fireworks  
6 Display;

7 (3) Adopting by reference NFPA 1124, code for the manufacture, transportation, storage  
8 and retail sales of fireworks and pyrotechnic articles;

9 (4) Adopting by reference the most recent edition of NFPA 1126, standard for the use of  
10 pyrotechnics before a proximate audience;

11 (5) Procedures for the issuance and renewal of a registration, certificate and permit;

12 (6) A fee schedule;

13 (7) Establishing insurance or bond requirements;

- 14           (8) Establishing additional criteria for the granting of a registration, certificate, or permit  
15 under this article;
- 16           (9) Registration of manufacturers, wholesalers and distributors; and
- 17           (10) Establishing a procedure that allows a retailer to combine and pay all applicable fees  
18 in a single payment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Noel Caputo*  
.....  
Chairman, House Committee

*Mark Raymond*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Jee Linn*  
.....  
Clerk of the Senate

*Les Hanshaw*  
.....  
Speaker of the House of Delegates

*Mike B. Carmichael*  
.....  
President of the Senate

FILED  
2020 MAR 25 PM 4:47  
OFFICE OF THE CLERK  
SENATE OF VA

The within *is approved* this the *25th*  
*March*  
day of ....., 2020.

*James I. Good*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 11:27am