

SENATE BILL No. 459

AN ACT concerning the state fire marshal; relating to certain license fees; amending K.S.A. 2015 Supp. 31-133a, 31-503 and 31-504 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2015 Supp. 31-133a is hereby amended to read as follows: 31-133a. (a) No business shall inspect, install or service portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment without first being certified by the state fire marshal.

(b) (1) The state fire marshal shall adopt rules and regulations as provided in K.S.A. 31-134, and amendments thereto, establishing standards for inspection, installation, servicing and testing procedures and minimum insurance requirements of businesses inspecting, installing or servicing portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. The rules and regulations shall ~~also~~ provide for qualifications and training of any person or persons designated by such business as the person or persons upon whose qualifications and training the certification of the business is based and, ~~on and after January 1, 1991,~~ ~~on and after January 1, 1991,~~ shall require submission of proof, satisfactory to the state fire marshal, that such qualifications and training have been met.

(2) The rules and regulations shall further provide for annual certification of such businesses ~~for a fee of not less than \$25 or more than \$200. No fee shall be charged~~ for each certification, ~~but~~. No fee shall be charged for any person who is an officer or employee of the state or political or taxing subdivision ~~thereof~~ when that person is acting on behalf of the state or political or taxing subdivision. If the person or persons upon whose qualifications and training the certification of the business is based leave such business, the certification of that business is void.

~~(3) The state fire marshal shall remit all moneys received for fees under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall credit 10% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund.~~

(c) Inspection or service of any portable fire extinguisher or automatic fire extinguisher for commercial cooking equipment by any business who is not certified by the state fire marshal as required by this section shall constitute a deceptive act or practice under the Kansas consumer protection act and shall be subject to the remedies and penalties provided by such act.

(d) As used in this section:

(1) “Automatic fire extinguisher for commercial cooking equipment” means any automatic fire extinguisher mounted directly above or in the ventilation canopy of commercial cooking equipment.

(2) “Business” means any person who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment but does not include: (A) Any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person’s own property or business; or (B) any individual acting as a representative or employee of a certified business.

Sec. 2. K.S.A. 2015 Supp. 31-503 is hereby amended to read as follows: 31-503. (a) Any person who intends to sell, offer for sale, possess with intent to sell, any consumer fireworks, display fireworks or articles pyrotechnic or discharge, use, display fireworks or articles pyrotechnic shall first obtain the appropriate license from the state fire marshal. This shall not include seasonal retailers.

(b) The types of license shall be as follows:

- (1) Manufacturer;
- (2) hobbyist manufacturer;
- (3) distributor;
- (4) display fireworks operator; and
- (5) proximate pyrotechnic operator.

(c) Before a license holder may operate, such license holder must satisfy the requirements of this act and regulations adopted by the state fire marshal.

(d) The license holder shall be at least 21 years of age upon applying for a license.

(e) Licenses shall not be transferable.

(f) ~~Except as otherwise provided in this section, The state fire marshal shall have the authority to fix, not charge and or collect fees as follows for licensure. The licenses shall be valid for the following period of time:~~

(1) A manufacturer license shall be valid for a period of one year. ~~The annual license fee shall not be less than \$400 or more than \$600.~~ A holder of a manufacturer license is not required to have any additional licenses in order to manufacture and sell any fireworks defined by this act.

(2) A hobbyist manufacturer license shall be valid for a period of four years. ~~The license fee shall not be less than \$50 or more than \$80.~~

(3) A distributor license shall be valid for a period of one year. ~~The annual fee shall not be less than \$300 or more than \$500.~~

(4) A display fireworks operator license shall be valid for a period of four years. ~~The license fee shall not be less than \$40 or more than \$80.~~

(5) A proximate pyrotechnics operator license shall be valid for a period of four years. ~~The license fee shall not be less than \$40 or more than \$80.~~

(g) A permit to conduct a fireworks display shall be obtained by the sponsor or operator of a fireworks display from and approved by the city or county where the fireworks display is to be discharged.

(h) No fee shall be charged for a license or permit under this section for any person who is an officer or employee of the state or any political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivision.

Sec. 3. K.S.A. 2015 Supp. 31-504 is hereby amended to read as follows: 31-504. (a) The owner of any display fireworks storage facility shall obtain a storage site permit from the state fire marshal for permanent or temporary storage. Storage permits are not required for day boxes used at a display site.

(b) A storage site permit shall be valid for a period of four years. ~~The No fee for a storage site permit shall not be less than \$25 or more than \$75 be charged.~~

Sec. 4. K.S.A. 2015 Supp. 31-133a, 31-503 and 31-504 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.