

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 482 Department or Agency Department of Insurance*

Rule No. Chapter 482-2-111

Rule Title: Pyrotechnic Display Permit Requirements.

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A*

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A*

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A*

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? N/A*

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A*

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? N/A*

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? N/A*

Does the proposed rule have an economic impact? N/A*

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Sections 27-2-17 and 27-7-43, Code of Alabama 1975, and that it complies with all applicable filing requirements of the Alabama Insurance Code.*

Signature of certifying officer Jim L. Ridling
Jim L. Ridling
Commissioner of Insurance

Date: February 20, 2019

*Note: The Alabama Department of Insurance is exempt from the Alabama Administrative Procedures Act pursuant to Section 41-22-2(e), Code of Alabama 1975.

Alabama Department of Insurance

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Insurance

RULE NO. & TITLE: Chapter 482-2-111: Pyrotechnic Display Permit Requirements.

INTENDED ACTION: Adopt new rules.


SUBSTANCE OF PROPOSED ACTION: The State Fire Marshal proposes to adopt a new regulation relating to the administration and enforcement of the pyrotechnic display permit requirements, as necessary to implement the provisions of Section 8-17-230, et seq., Code of Alabama 1975. The new regulation will become effective April 21, 2019.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may submit data, views, or arguments in writing at any time prior to April 6, 2019, to the Alabama Department of Insurance, Attention: Legal Division, Post Office Box 303351, Montgomery, Alabama 36130-3351, or orally by appearing at the public hearing, Suite 502, RSA Tower, 201 Monroe Street, Montgomery, Alabama, beginning at 10:00 AM, on April 11, 2019.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 6, 2019

CONTACT PERSON AT AGENCY: Reyn Norman
General Counsel



Jim L. Ridling
Commissioner of Insurance

1 **482-2-111-.01 Authority, Purpose, Severability, and Effective**
2 **Date.**

3 (1) This chapter is adopted pursuant to Sections 27-2-17,
4 36-19-9, and 8-17-230, et seq., Code of Alabama 1975.

5 (2) The purpose of this chapter is to adopt the rules
6 necessary to implement the provisions of Sections 8-17-230, et
7 seq., Code of Alabama 1975.

8 (3) The provisions of this chapter are severable. If any
9 provision or the application thereof to any person or
10 circumstance is held invalid for any reason, the invalidity
11 shall not affect the other provisions or any other application
12 of this chapter which can be given effect without the invalid
13 provisions or application.

14 (4) This chapter shall be effective upon its approval by
15 the Commissioner of Insurance and upon its having been on file
16 as a public document in the office of the Secretary of State
17 for ten days.

18 **Author:** State Fire Marshal

19 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 36-19-
20 9, & 8-17-230, et seq.

21 **History:** New April 11, 2019, Effective April 21, 2019

1 **482-2-110-.02. Forms.** The forms to apply for or renew a
2 permit under this law will be provided on the Website of the
3 Alabama State Fire Marshal.

4 **Author:** State Fire Marshal
5 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 36-19-
6 9, & 8-17-230, et seq.
7 **History:** New April 11, 2019, Effective April 21, 2019

8 **482-2-110-.03 Permit Fees.** The State Fire Marshal hereby sets
9 the following fees as are declared necessary for the
10 administration and enforcement of Section 8-17-230, et seq.,
11 Code of Alabama 1975, relating to the pyrotechnic displays:

12 (a) Initial Pyrotechnic Display Operator
13 License, as specified in Section 8-17-231(b) (5). .. \$120.00

14 (b) Biennial renewal of Pyrotechnic Display
15 Operator License, as specified in Section 8-17-
16 231(c) (5). \$120.00

17 (c) Initial Pyrotechnic Special Effects
18 Operator License, as specified in Section 8-17-
19 232(a) (5). \$120.00

20 (d) Biennial renewal of Special Effects
21 Display Operator License, as specified in Section
22 8-17-232(b) (5). \$120.00

1 (e) Reciprocal Pyrotechnic Display Operator
2 License, as specified in Section 8-17-233(b)(5),
3 and biennial renewal as specified in Section 8-
4 17-233(d). \$120.00

5 (f) Reciprocal Pyrotechnic Special Effects
6 Operator License, as specified in Section 8-17-
7 233(c)(5), and biennial renewal as specified in
8 Section 8-17-233(d). \$120.00

9 (g) Initial Pyrotechnic Display Operator
10 License for a Certified Lead Technician, as
11 specified in Section 8-17-236(b)(5). \$120.00

12 (h) Initial Pyrotechnic Special Effects
13 Operator License for a Certified Lead Technician,
14 as specified in Section 8-17-236(c)(5). \$120.00

15 **Author:** State Fire Marshal
16 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 36-19-
17 9, & 8-17-230, et seq.
18 **History:** New April 11, 2019, Effective April 21, 2019

19 **482-2-110-.04 Revocation of Permit.**

20 (1) The Alabama State Fire Marshal shall revoke any
21 permit for just cause shown, for any one or more of the
22 following:

1 (a) If a permit holder is convicted of a felony or any
2 misdemeanor involving domestic violence.

3 (b) The permit holder is shown to have a drug or alcohol
4 addiction.

5 (c) If it is determined a permit holder is operating
6 beyond the authority provided under a permit.

7 (d) For any cause for which issuance of the permit could
8 have been refused had it then existed and been known to the
9 State Fire Marshal.

10 (2) The Alabama State Fire Marshal will investigate all
11 complaints against permit holders, including but not limited
12 to those for excessive noise, property damage, nuisance,
13 violating public safety, improper storage or no storage,
14 discharging products during a Burn Ban, or use of explosive
15 compounds, pyrotechnic compounds, or energetic compounds in a
16 criminal manner.

17 (3) For any individual holding more than one permit, if
18 one permit is revoked, all permits will be revoked.

19 **Author:** State Fire Marshal

20 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17, 36-19-
21 9, & 8-17-230 through 8-17-239

22 **History:** New April 11, 2019, Effective April 21, 2019