

HOUSE BILL 98

Unofficial Copy
E4

2002 Regular Session
2lr0026

(PRE-FILED)

By: **Chairman, Judiciary Committee (Departmental - State Police)**

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Fireworks - Permits for Display - Late Fees**

3 FOR the purpose of authorizing the State Fire Marshal to charge late fees under
4 certain circumstances; requiring certain persons to pay certain fees under certain
5 circumstances; and generally relating to special permits for display of fireworks.

6 BY repealing and reenacting, with amendments,

7 Article 38A - Fires and Investigations

8 Section 18

9 Annotated Code of Maryland

10 (1997 Replacement Volume and 2001 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 38A - Fires and Investigations**

14 18.

15 (a) (1) The State Fire Marshal may grant special permits for display of
16 fireworks in places where the discharge thereof will otherwise be legal. The permit
17 shall not authorize the holder thereof to possess or discharge fireworks in violation of
18 any ordinance or regulation in effect where the display is to be made and shall not
19 relieve the applicant from also obtaining any additional license or authority which
20 may be required by the governing body in that locality. All applications for permits for
21 public display as herein provided shall be made at least 10 days in advance of the date
22 of display. The fee for this permit is \$50. The permit shall be nontransferable, and
23 shall be granted only after the State Fire Marshal has determined that the proposed
24 display will not endanger the health or safety of persons in the locality, or cause
25 injury to property belonging to others, and that the display of fireworks will be under
26 the supervision of experienced and qualified persons who have previously secured
27 written authority from the State Fire Marshal. Prior to granting the permit, the State
28 Fire Marshal shall require the applicant to furnish a surety bond with corporate
29 surety to be approved by him in an amount the State Fire Marshal prescribes, or an

1 approved liability and property damage insurance policy in an amount prescribed by
2 the State Fire Marshal, conditioned upon the payment of all damages to persons or
3 property caused by reason of the discharge of fireworks mentioned in the permit. The
4 bond or policy shall be payable to the State and may be enforced by any person
5 suffering damage as aforesaid, by suit in the name of the State to his own use. If
6 claims under any bond or policy required under this subtitle are established to an
7 amount greater than the penal sum of the bond, or amount of the policy, the claims
8 shall be payable pro rata to the amount of the penal sum of the bond or amount of the
9 policy and executions shall issue accordingly. Workers' compensation shall be
10 provided as required by the Maryland Workers' Compensation Act. For operators not
11 covered by workers' compensation, approved accident insurance coverage shall be
12 provided in amounts prescribed by the State Fire Marshal. The State Fire Prevention
13 Commission shall establish regulations as necessary for the enforcement of this
14 subtitle. The State Fire Marshal may deputize the chief or other members of the fire
15 department serving in any locality, or some other suitable official, to act as his deputy
16 for the purpose of making inspections and investigations and receiving applications
17 for permits.

18 (2) IF THE STATE FIRE MARSHAL DOES NOT RECEIVE THE APPLICATION
19 FOR A PERMIT FOR PUBLIC DISPLAY AT LEAST 10 DAYS BEFORE THE DATE OF THE
20 PUBLIC DISPLAY, THE STATE FIRE MARSHAL SHALL CHARGE THE APPLICANT A LATE
21 FEE OF \$100 IN ADDITION TO ALL REQUIRED FEES.

22 [(2)] (3) The permit fee requirement of paragraph (1) OF THIS
23 SUBSECTION AND LATE FEE REQUIREMENT OF PARAGRAPH (2) of this subsection
24 [does] DO not apply to a volunteer fire department or volunteer ambulance and
25 rescue company.

26 (b) A person may not advertise in written or printed form that a fireworks
27 display will take place in Baltimore City unless the advertisement states:

28 (1) That the promoter is covered by a policy of liability insurance; and

29 (2) The name of the insurance carrier and the policy number of the
30 insurance policy.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.