

(PRE-FILED)

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

Requested: October 19, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 5, 2002

CHAPTER _____

1 AN ACT concerning

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

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

7 BY repealing and reenacting, with amendments,
8 Article 38A - Fires and Investigations
9 Section 18
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2001 Supplement)

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

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

15 18.

16 (a) (1) The State Fire Marshal may grant special permits for display of
17 fireworks in places where the discharge thereof will otherwise be legal. The permit
18 shall not authorize the holder thereof to possess or discharge fireworks in violation of
19 any ordinance or regulation in effect where the display is to be made and shall not
20 relieve the applicant from also obtaining any additional license or authority which
21 may be required by the governing body in that locality. All applications for permits for
22 public display as herein provided shall be made at least 10 days in advance of the date

1 of display. The fee for this permit is \$50. The permit shall be nontransferable, and
2 shall be granted only after the State Fire Marshal has determined that the proposed
3 display will not endanger the health or safety of persons in the locality, or cause
4 injury to property belonging to others, and that the display of fireworks will be under
5 the supervision of experienced and qualified persons who have previously secured
6 written authority from the State Fire Marshal. Prior to granting the permit, the State
7 Fire Marshal shall require the applicant to furnish a surety bond with corporate
8 surety to be approved by him in an amount the State Fire Marshal prescribes, or an
9 approved liability and property damage insurance policy in an amount prescribed by
10 the State Fire Marshal, conditioned upon the payment of all damages to persons or
11 property caused by reason of the discharge of fireworks mentioned in the permit. The
12 bond or policy shall be payable to the State and may be enforced by any person
13 suffering damage as aforesaid, by suit in the name of the State to his own use. If
14 claims under any bond or policy required under this subtitle are established to an
15 amount greater than the penal sum of the bond, or amount of the policy, the claims
16 shall be payable pro rata to the amount of the penal sum of the bond or amount of the
17 policy and executions shall issue accordingly. Workers' compensation shall be
18 provided as required by the Maryland Workers' Compensation Act. For operators not
19 covered by workers' compensation, approved accident insurance coverage shall be
20 provided in amounts prescribed by the State Fire Marshal. The State Fire Prevention
21 Commission shall establish regulations as necessary for the enforcement of this
22 subtitle. The State Fire Marshal may deputize the chief or other members of the fire
23 department serving in any locality, or some other suitable official, to act as his deputy
24 for the purpose of making inspections and investigations and receiving applications
25 for permits.

26 (2) IF THE STATE FIRE MARSHAL DOES NOT RECEIVE THE APPLICATION
27 FOR A PERMIT FOR PUBLIC DISPLAY AT LEAST 10 DAYS BEFORE THE DATE OF THE
28 PUBLIC DISPLAY, THE STATE FIRE MARSHAL SHALL CHARGE THE APPLICANT A LATE
29 FEE OF ~~\$100~~ \$50 IN ADDITION TO ALL REQUIRED FEES.

30 [(2)] (3) The permit fee requirement of paragraph (1) OF THIS
31 SUBSECTION AND LATE FEE REQUIREMENT OF PARAGRAPH (2) of this subsection
32 [does] DO not apply to a volunteer fire department or volunteer ambulance and
33 rescue company.

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

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

37 (2) The name of the insurance carrier and the policy number of the
38 insurance policy.

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

