

TITLE 265. STATE FIRE MARSHAL COMMISSION
CHAPTER 45. FIREWORKS
SUBCHAPTER 1. LICENSING, PERMITS, SALES, INSPECTIONS AND PENALTIES

265:45-1-1. Purpose and scope

The purpose of the rules shall be to provide the minimum requirements for outdoor fireworks displays and for licensure of display operators. The State Fire Marshal shall establish a program for the licensure of Outdoor Display Operators. A license may be granted upon demonstration that the applicant has a satisfactory understanding of the handling and use of fireworks, equipment used for outdoor fireworks displays, and the operations of the display as required by the currently adopted version of NFPA 1123 Code for Fireworks Display.

265:45-1-2. Training and renewals

Pre-license Outdoor Display Operator training programs and continuing education classes shall be approved by the State Fire Marshal. Pre-license training programs and continuing education classes shall be taught by a currently licensed Outdoor Display Operator. Pre-license training program curriculum shall include training on the currently adopted NFPA 1123. All requests for approval of pre-license training programs and continuing education classes shall be submitted on forms prescribed by the State Fire Marshal. Upon completion of at least eight (8) hours of OSFM approved pre-license outdoor display operator training an applicant is eligible to take the required examination. An applicant seeking renewal of their existing outdoor display operator license shall submit proof of completion of at least six (6) hours of OSFM approved continuing education prior to issuance of a renewed license.

265:45-1-3. Examination and testing

To obtain an Outdoor Display Operator License an applicant shall pass an examination prescribed by the State Fire Marshal. Correctly answering 70% or more of the questions will be considered a passing score. If the applicant fails to pass the test on the first attempt the applicant is eligible to immediately take the examination a second time. If a passing score is not achieved on the second attempt the applicant may only attempt the examination once every thirty (30) days. Applicants shall be responsible for the cost of administering the examination as prescribed by OSFM administrative rules.

265:45-1-4. Licensing of Outdoor Display Operators

An applicant for licensure as an outdoor fireworks display operator shall:

- (1) Submit a license fee of \$75.00 with the application form prescribed by the State Fire Marshal.
- (2) Complete at least eight (8) hours of OSFM approved pre-license outdoor display operator training.
- (3) Pass the examination prescribed by the State Fire Marshal with a score of 70% or better.
- (4) Provide proof satisfactory to the State Fire Marshal of working under competent supervision on at least three (3) outdoor fireworks displays in the three (3) years immediately preceding the application.

265:45-1-5. Renewals

- (a) Renewal notices will be sent out by the state fire marshal sixty (60) days prior to expiration of each license. Failure to renew a license prior to expiration may result in the retaking of a pre-license training program.
- (b) An applicant for renewal of an Outdoor Display Operator license shall submit a renewal of \$75.00. Re-issuance of a lost license may be at a cost of \$75.00.
- (c) Proof of completion of at least six (6) hours of OSFM approved continuing education requirements must be provided as a prerequisite to renewal.

265:45-1-6. Training; Continuing Education

- (a) All continuing education courses must be approved by the State Fire Marshal for applicants to receive credit for the course.
- (b) The applicant shall provide verification to the State Fire Marshal of having obtained the required continuing education credits. Verification consists of a form certifying attendance at the course, the number of continuing education credits obtained at the course, and the course instructor's signature.
- (c) A renewal applicant shall submit to the State Fire Marshal the application form after completing the required continuing education hours. The applicant is responsible for ensuring timely submittal of the required continuing education verification. Documentation that shows the applicant was self-taught without course instruction will not be accepted for continuing education credits.
- (d) In order to obtain approval to provide pre-license training or continuing education courses, the course provider shall first obtain a Trainer/Instructor issued number through the State Fire Marshal. The provider shall submit to the State Fire Marshal course materials including an outline of the course instruction, resume of the instructor, the number of instruction hours provided, and the dates and times of the course will be offered. A course provider seeking approval of a course shall submit the required documentation no later than forty (40) business days prior to the first offering of the course.
- (e) Continuing education credit may be granted to the instructor, at the discretion of the State Fire Marshal, for the instruction of continuing education courses.
- (f) Applicants who take more hours than the required continuing education for the renewal period will not be permitted to carry-over the credit hours into the next renewal cycle.
- (g) The state fire marshal may conduct random audits of applicants and continuing education courses to ensure compliance.
- (h) Each applicant is responsible for maintaining sufficient records which may be used to support claimed continuing education credits.
- (i) The state fire marshal may require completion of specific continuing education classes in order to renew registration.
- (j) Applicants will not receive credit for taking a course more than once each renewal cycle.