

**SENATE BILL No. 459**

By Committee on Federal and State Affairs

2-16

1 AN ACT concerning the state fire marshal; relating to certain license fees;  
2 amending K.S.A. 2015 Supp. 31-133a and 31-503 and repealing the  
3 existing sections.  
4

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

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

10 (b) (1) The state fire marshal shall adopt rules and regulations as  
11 provided in K.S.A. 31-134, and amendments thereto, establishing  
12 standards for inspection, installation, servicing and testing procedures and  
13 minimum insurance requirements of businesses inspecting, installing or  
14 servicing portable fire extinguishers or automatic fire extinguishers for  
15 commercial cooking equipment. The rules and regulations shall ~~also~~  
16 provide for qualifications and training of any person or persons designated  
17 by such business as the person or persons upon whose qualifications and  
18 training the certification of the business is based and, ~~on and after January~~  
19 ~~1, 1991,~~ shall require submission of proof, satisfactory to the state fire  
20 marshal, that such qualifications and training have been met.

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

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

36 (c) Inspection or service of any portable fire extinguisher or

1 automatic fire extinguisher for commercial cooking equipment by any  
2 business who is not certified by the state fire marshal as required by this  
3 section shall constitute a deceptive act or practice under the Kansas  
4 consumer protection act and shall be subject to the remedies and penalties  
5 provided by such act.

6 (d) As used in this section:

7 (1) "Automatic fire extinguisher for commercial cooking equipment"  
8 means any automatic fire extinguisher mounted directly above or in the  
9 ventilation canopy of commercial cooking equipment.

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

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

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

23 (1) Manufacturer;

24 (2) hobbyist manufacturer;

25 (3) distributor;

26 (4) display fireworks operator; and

27 (5) proximate pyrotechnic operator.

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

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

33 (e) Licenses shall not be transferable.

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

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

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

43 (3) A distributor license shall be valid for a period of one year. ~~The~~

1 ~~annual fee shall not be less than \$300 or more than \$500.~~

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

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

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

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

14 Sec. 3. K.S.A. 2015 Supp. 31-133a and 31-503 are hereby repealed.

15 Sec. 4. This act shall take effect and be in force from and after its  
16 publication in the statute book.