

Document No. 5161
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
 CHAPTER 71

Statutory Authority: 1976 Code Section 23-9-20

- 71-8300. Fire Prevention and Life Safety.
- 71-8301. Fire Prevention and Life Safety for Special Occupancies.
- 71-8302. Explosives.
- 71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.
- 71-8304. Liquefied Petroleum (LP) Gas.
- 71-8305. Fireworks and Pyrotechnics.
- 71-8306. Hydrogen Facilities.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Office of the State Fire Marshal, proposes to add to, amend and repeal certain regulations appearing in R.71-8300 through R.71-8306.

The Notice of Drafting was published in the *State Register* on June 24, 2022.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

ARTICLE 8
OFFICE OF STATE FIRE MARSHAL

SUBARTICLE 1
FIRE PREVENTION AND LIFE SAFETY

71-8300. Fire Prevention and Life Safety.

(Statutory Authority: 1976 Code Sections 23-9-20, 23-9-30, 39-41-260, 40-82-70)

71-8300.1. General.

A. Title. These regulations shall be known as the State Fire Marshal’s Rules and Regulations.

B. Intent.

1. The purpose of these regulations is:

a. to safeguard to a reasonable degree, life and property from fire, explosion, dangerous conditions, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises, and

b. to provide safety to fire fighters and emergency responders during emergency situations.

2. These regulations shall be the minimum standards required for fire prevention and life safety in South Carolina for all buildings and structures and shall not be waived.

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C. Applicability.

1. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

2. All buildings, structures, or premises, and all equipment or systems therein, shall be constructed, altered, or repaired in conformance with the latest adopted codes promulgated by the South Carolina Building Code Council and these regulations.

3. These regulations become effective immediately upon the publication as final regulations in the South Carolina State Register.

4. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to S.C. Code Ann. Section 6-9-5 et seq., 1976, as amended, by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall apply.

5. These regulations shall not apply to:

a. Buildings constructed and occupied exclusively as one and two-family dwellings, unless amended by these or other state regulations. Conversion of such buildings to another use that is not regulated under the IRC but is regulated under the IBC is considered a change of occupancy, and such buildings must comply with the applicable provisions of the IBC for such a change of use.

D. Existing Buildings.

1. Unless addressed by requirements in these regulations, adopted codes, or state statutes that are indicated to be applicable to them, existing buildings, structures, or premises shall be permitted to continue in operation under the code applicable at the time when the buildings, structures, or premises were constructed.

2. Alterations, repairs, additions, and rehabilitation to an existing building, structure, or premise shall fully comply with the current codes.

3. Change of use or occupancy of an existing building shall comply with the current code requirements for change of occupancy classification.

E. Acronyms and Definitions: The following references apply throughout these regulations. Words not defined in these regulations shall have the meaning stated in the referenced codes and standards adopted by these regulations.

1. "AHJ" means Authority Having Jurisdiction, which is the SFM, or his agents, or any local fire official covered by S.C. Code Ann. Section 23-9-30, 1976, as amended.

2. "ATF" means the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.

3. "Bulk hydrogen compressed gas system" means an assembly of equipment that consists of, but is not limited to, storage containers, pressure regulators, pressure relief devices, compressors, manifolds, and piping with a storage capacity of more than 400 cubic feet (approximately 3000 gal.) of compressed hydrogen gas (or 5000 scf), including unconnected reserves on hand at the site, and terminates at the source valve.

4. "Bulk liquefied hydrogen gas system" means an assembly of equipment that consists of, but is not limited to, storage containers, pressure regulators, pressure relief devices, vaporizers, liquid pumps, compressors

manifolds, and piping, with a storage capacity of more than 39.7 gal. of liquidized hydrogen, including unconnected reserves on hand at the site, and terminates at the source valve.

5. “Community Fireworks Display” means a display of consumer fireworks before a gathering where the individual discharging the consumer fireworks is not the responsible owner or lessee of the private property from where the display is being discharged. Public property or property not owned by an individual who is responsible for the discharging of consumer fireworks constitutes a community fireworks display. Consumer fireworks purchased by an association, organization, or business for the purpose of a display before a gathering of any number of people constitutes a community fireworks display.

6. “Consumer Fireworks” means any small device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing fifty (50) mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336 and UN0337 by the USDOT at 49 CFR 172.101. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder. Consumer fireworks are further defined as those classified by the USDOT hazard classification 1.4g. These fireworks were formerly known as “Class C Fireworks.”

7. “Container” means all vessels including, but not limited to tanks, cylinders, or pressure vessels used for the storage of hydrogen.

8. “Display Fireworks” means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than two (2) grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as “Consumer Fireworks.” Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the USDOT at 49 CFR 172.101. This term also includes fused setpieces containing components which together exceed fifty (50) mg of salute powder. Display fireworks are further defined as those classified by the USDOT as hazard classification 1.3g. These fireworks were formerly known as “Class B Fireworks.”

9. “DOI” means the Department of Insurance.

10. “Engineered Special Hazard Fire Suppression Systems” means systems or equipment that is custom designed to be permanently installed and for use on the specific fire hazards that they are expected to control or extinguish. For the purpose of this regulation, water based fire suppression systems regulated by NFPA 13, NFPA 13D, NFPA 13R, and SCRC P2904 are not considered Fixed-Fire Extinguishing Systems.

11. “Engineered hydrogen systems” means systems or equipment that is custom designed for a particular application.

12. “Existing Building” means a building, structure, or premise for which preliminary or final drawings have been approved by the appropriate agency as provided in these regulations, in buildings where construction has begun, or those occupied on or before the date of adoption of these regulations.

13. “Fire Prevention” means any activity to prevent fire before fire occurs.

14. “Fireworks” means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of “consumer fireworks” or “display fireworks” as defined by this section.

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15. “Fixed Fire Extinguishing System” means a pre-engineered fire extinguishing system that is permanently installed and designed for use on the specific fire hazards they are expected to control or extinguish. For the purpose of this regulation, water based fire suppression systems regulated by NFPA 13, NFPA 13D, NFPA 13R, and SCRC P2904 are not considered Fixed-Fire Extinguishing Systems.

16. “Flame Effects” means the combustion of solids, liquids, or gases utilizing atmospheric oxygen to produce thermal, physical, visual, or audible phenomena before an audience.

17. “Hydrogen” is an element of the periodic table which, at room temperature and pressure, but can be compressed and/or refrigerated into a liquefied state.

18. “Hydrogen facility” is a fueling station or a fuel cell site that will store or dispense hydrogen for use as a transportation fuel, motor fuel, or in a fuel cell.

19. “Hydrogen generation system” means a packaged, factory matched, or site constructed hydrogen gas generation appliance or system such as (a) an electrolyzer that uses electrochemical reactions to electrolyze water to produce hydrogen gas; (b) a reformer that converts hydrocarbon fuel to a hydrogen-rich stream of composition and condition suitable for a type of device using the hydrogen. It does not include hydrogen generated as a byproduct of a waste treatment process.

20. “ICC” means the International Code Council.

21. “LP-Gas” means Liquefied Petroleum Gas as defined in S.C. Code Ann. Section 40-82-20.

22. “Motion Picture” means, for the purposes of this item, any audiovisual work with a series of related images either on film, tape, or other embodiment, where the images shown in succession impart an impression of motion together with accompanying sound, if any, which is produced, adapted, or altered for exploitation as entertainment, advertising, promotional, industrial, or educational media.

23. “SDS(s)” means Safety Data Sheet(s).

24. “NFPA” means the National Fire Protection Association.

25. “OSFM” means the Office of State Fire Marshal, Division of Fire and Life Safety, Department of Labor, Licensing and Regulation, also known as SC State Fire.

26. “Person” means an individual, partnership, or corporation;

27. “Portable Fire Extinguisher” means a portable device containing extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire.

28. “Pre-engineered hydrogen system” means a system or device that has been designed with the intention of mass production and sales to the public, which uses or produces hydrogen in its function.

29. “Primary Qualifying Party” means a qualifying party who has been designated by a licensee as the principal individual responsible for directing or reviewing work performed by the licensee in a particular license classification or subclassification.

30. “Proximate Audience” means any indoor use of pyrotechnics and the use of pyrotechnics before an audience located closer than the distances allowed by NFPA 1123.

31. “Public Firework Display” means a presentation of Display or Consumer Fireworks for a public gathering, where the individual discharging the fireworks is not the responsible owner or lessee of the private

property from where the display is being discharged. Public property or property not owned by an individual who is responsible for the discharging of fireworks constitutes a public fireworks display. Any public or private gathering utilizing display fireworks constitutes a public fireworks display.

32. “Pyrotechnics” means any composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

33. “Qualifying Party” means an individual who has been issued a permit or certification to qualify an entity for a license by way of examination in a license classification or subclassification.

34. “S.C.” means South Carolina.

35. “SCBC” means South Carolina Building Code, which is the latest edition of the International Building Code (IBC) with South Carolina modifications, as adopted and promulgated by the South Carolina Building Codes Council, except where South Carolina modifications do not apply.

36. “SCFC” means South Carolina Fire Code, which is the latest edition of the International Fire Code (IFC) with South Carolina modifications, as adopted and promulgated by the South Carolina Building Codes Council, except where South Carolina modifications do not apply.

37. “SCFGC” means South Carolina Fuel Gas Code, which is the latest edition of the International Fuel Gas Code (IFGC) with South Carolina modifications, as adopted and promulgated by the South Carolina Building Codes Council, except where South Carolina modifications do not apply.

38. “SCRC” means South Carolina Residential Code, which is the latest edition of the International Residential Code (IRC) with South Carolina modifications, as adopted and promulgated by the South Carolina Building Codes Council, except where South Carolina modifications do not apply.

39. “Servicing” includes maintenance, recharging, or hydrostatic testing of a Portable Fire Extinguisher or a Fixed Fire Extinguishing System.

40. “SFM” means the State Fire Marshal or his agent.

41. “Theatrical Pyrotechnics” means pyrotechnic devices for professional use in the entertainment industry similar to consumer fireworks in chemical composition and construction but not intended for consumer use.

42. “USDOT” means U.S. Department of Transportation.

71-8300.2. Codes and Standards.

A. All references to codes and standards found in these regulations refer to the editions specified in the SCFC unless otherwise stated in these regulations or adopted by state statutes.

B. In accordance with S.C. Code Ann. Section 1-34-30(A), the Office of the State Fire Marshal hereby adopts the latest edition of the nationally-recognized codes with referenced standards adopted and promulgated by the South Carolina Building Codes Council. The requirements of the IFC, International Fire Code, (as adopted pursuant to S.C. Code Ann. Section 6-9-5, et seq., 1976, as amended) shall constitute the minimum standards for fire prevention and life safety protection for construction, occupancy, and use of all buildings, structures, and premises within the scope of these regulations except as modified by these regulations. In addition, to the extent to which they can be applied without conflicting with other state regulations or state statutes, the following sections of Chapter 1 of the 2021 edition of the IFC shall apply:

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1. Scope and General Requirements (Section 101). “The State of South Carolina” shall be used for the Name of Jurisdiction.

2. Applicability (Section 102)

3. Liability (Section 104.7)

4. Maintenance (Section 109)

5. Service Utilities (Section 110)

6. Stop Work Orders (Section 113)

7. Unsafe Structures or Equipment (Section 114)

C. The codes and standards referenced in the codes adopted pursuant to S.C. Code Ann. Section 6-9-5 et seq., 1976, as amended shall be enforced as applicable.

D. The requirements of NFPA 1123, Code for Fireworks Display, including Annex A and E, shall be used for all firework displays in South Carolina except as modified by these regulations.

E. The requirements of NFPA 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, including Annexes A, B, and D, shall be used for all proximate audience displays in South Carolina except as modified by these regulations.

71-8300.3. Alternate Materials and Alternate Methods of Construction.

A. The requirements of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by the regulations, adopted codes, or standards enforced by the OSFM. The SFM has the authority to accept alternative methods of compliance within the intent of these regulations, after finding that the materials and method of work offered is for the purpose intended, at least the equivalent of that prescribed in these regulations in quality, strength, effectiveness, fire resistance, durability, and safety. The SFM shall require submission of sufficient evidence or proof to substantiate any claim made regarding use of alternative materials and methods.

B. Compliance with applicable standards of the National Fire Protection Association, or other nationally recognized fire safety standards, may be used for consideration of alternative methods if found suitable by the SFM.

71-8300.4. Submittals for Plan Review.

A. Construction documents and/or shop drawings, as appropriate, must be submitted to the OSFM for the following:

1. Fire sprinkler systems per S.C. Code Ann. Section 40-10-260.
2. LP-Gas systems per R.71-8304.
3. Hydrogen facilities per S.C. Code Ann. Section 23-9-510 et seq.
4. Facilities that the OSFM is contractually obligated to review.

B. Construction documents, shop drawings, and supporting documentation for plan review shall be in accordance with this section.

1. Documents and supporting data shall be submitted in one complete set with each application for a review and in such form and detail as required by the OSFM reviewer to be able to determine compliance.

2. The construction documents and shop drawings shall be prepared by the appropriate registered design professional(s) or other LLR licensee as required by statute or regulation.

3. The OSFM is authorized to not require the submission of construction documents and supporting data if:

a. they are not required to be prepared by a registered design professional, and

b. it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

4. OSFM shall examine or cause to be examined the submitted construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the applicable requirements.

5. Drawings shall be drawn to scale. Documents submitted for review shall be in electronic media .DWF or .PDF format. Non-electronic media documents are allowed to be submitted when approved by the OSFM. Documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of these regulations and other relevant laws, rules and regulations as determined by the OSFM.

a. Drawings and other documents reviewed by OSFM shall be submitted to indicate compliance with applicable statutes, these regulations and the referenced codes and standards, and shall be approved prior to the start of installation. If the permitting authority authorizes the installation prior to the written approval of OSFM, it is automatically considered a revocation of the AHJ's request for OSFM review. Shop drawings shall contain all information as required by the applicable statutes, regulations, adopted codes and referenced installation standards.

b. Information on construction documents and shop drawings shall be specific, and the technical codes shall not be cited in whole or in part, nor shall the term "legal" or its equivalent to be used as a substitute for specific information.

c. All drawings shall bear a title block with complete, legible information indicating at a minimum where applicable: project name, project address, drawing author, drawing title, drawing number, original drawing date, all subsequent drawing revision dates, sequential drawing revision numbers, company name, and company mailing address.

6. It shall be the responsibility of the applicant to ensure that the submitted documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable statutes, regulations, codes and standards.

7. Submitted documents approved by the OSFM are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the OSFM shall not relieve the applicant of the responsibility of compliance with this code.

a. The OSFM is authorized to issue approval for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent

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requirements of this code. The holder of such approval for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that approval for the entire structure, system or operation will be granted.

b. The issuance or granting of an approval shall not be construed to be an approval of any violation of any of the provisions of these regulations. Approvals presuming to give authority to violate or cancel the provisions of these regulations shall not be valid. The issuance of approval based on construction documents and other data shall not prevent an AHJ from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the AHJ, as evidenced by the issuance of a new or amended approval.

8. Where field conditions necessitate any substantial change from the approved construction documents, the AHJ shall have the authority to require the corrected construction documents to be submitted for approval.

9. The OSFM is authorized to revoke approval issued under the provisions of these regulations when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents, drawings, or other submitted documentation on which the permit or approval was based including, but not limited to, any one of the following:

- a. The permit or approval is used for a location or establishment other than that for which it was issued.
- b. The permit or approval is used for a condition or activity other than that listed in the permit.
- c. Conditions and limitations set forth in the permit or approval have been violated.
- d. There have been any false statements or misrepresentations as to the material fact in the application for permit or submitted plans and other documents, or a condition of the permit.
- e. The permit or approval is used by a different person or firm than the name for which it was issued.
- f. Failure, refusal, or neglect to comply with orders or notices duly served in accordance with the provisions of this regulation within the time provided therein.
- g. The permit or approval was issued in error or in violation of a statute, regulation, code, or standard.

71-8300.5. Repealed.

71-8300.6. Repealed.

SUBARTICLE 2 FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES

71-8301. Fire Prevention and Life Safety for Special Occupancies.

(Statutory Authority: 1976 Code Section 23-9-20(A)(5))

71-8301.1. General.

- A. The purpose of this Subarticle is to provide specific requirements for certain occupancies.
- B. This regulation shall apply to new and existing foster homes.

71-8301.2. Codes and Standards.

A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

B. The building code shall define occupancy classifications referenced in these regulations.

71-8301.3. Requirements for Special Occupancies.

A. All Foster Home Facilities

1. Foster homes providing care, maintenance, and supervision for no more than six (6) children, including the natural or adopted children of the foster parent; shall comply with the following:

a. Must be a facility designed and constructed with the intent to be used as a dwelling per applicable statutes and regulations.

b. At least one (1) portable fire extinguisher with a minimum classification of 2A:10BC shall be installed near cooking areas. The fire extinguishers shall be installed and maintained in accordance with the manufacturer's instructions.

c. Each facility housing foster children shall maintain means of egress as required by original construction.

d. All heating devices must be selected, used, and installed per the manufacturer's recommendations and the listing conditions set by an approved testing laboratory.

e. Unvented gas heaters shall have an operating oxygen depletion device, an operating safety shutoff device, and shall be located or guarded to prevent burn injuries.

f. Fireplaces shall be equipped with fire screens, partitions, or other means to protect clients from burns.

g. A fire escape plan describing what actions are to be taken by the family in the event of a fire must be developed and posted.

h. A fire escape drill shall be conducted every three (3) months.

i. Records of the drills shall be maintained on the premises for three (3) years. The records shall give the date, time, and weather conditions during the drill, number evacuated, description, and evaluation of the fire drill. Fire drills shall include complete evacuation of all persons from the building.

j. A fire escape drill shall be conducted within twenty-four (24) hours of the arrival of each new foster child.

k. Portable unvented fuel-fired heating equipment shall be prohibited in all foster homes.

l. An approved carbon monoxide alarm shall be installed and maintained outside of each separate sleeping area in the immediate vicinity of the bedroom in dwelling units within which fuel fired appliances are installed and in dwelling units that have attached garages.

m. Each sleeping room must have an operable door that closes and latches to provide compartmentation that protects occupants in case of a fire event.

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n. The dwelling shall be free of dangers that constitute an obvious fire hazard, such as faulty electrical cords, overloaded electrical sockets, or an accumulation of papers, paint, or other flammable material stored in the dwelling.

o. Facilities serving as a foster home shall have approved address numbers placed in a position that is plainly legible and visible from the street. Address number shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch and shall contrast with their background.

p. Listed smoke alarms shall be installed in accordance with the manufacturer's installation instructions and in the following locations:

(i) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms;
and

(ii) In each room used for sleeping purposes; and

(iii) In each habitable story within a dwelling.

q. Listed smoke alarms shall be powered from:

(i) the electrical system of the dwelling as the primary power source and a battery as a secondary power source;

(ii) a battery rated for a 10-year life, provided the smoke alarm is listed for use with a 10-year battery;
or

(iii) battery power that is part of a listed wireless interconnected smoke alarm unit.

r. All sleeping rooms below the fourth story shall have emergency escape and rescue openings that open from the inside.

s. Such emergency escape and rescue openings shall be sized and configured in accordance with the applicable code requirements.

2. Foster homes that do not comply with Section A.1.s. above, shall have one of the following:

a. Listed smoke alarms required to be installed by Section A.1.p. above shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm; or

b. A residential fire sprinkler system in accordance with the applicable statutes, regulations, and adopted codes.

SUBARTICLE 3 EXPLOSIVES

71-8302. Explosives.

(Statutory Authority: 1976 Code Sections 23-9-20, 23-9-50, 23-36-10 et seq.)

71-8302.1. General.

A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, and operators from the manufacture, transportation, handling, use, and storage of explosives in South Carolina.

B. This regulation shall apply to the manufacture, transportation, handling, use, and storage of explosives in South Carolina.

C. This regulation does not apply to the sale or storage of fireworks as regulated by the Board of Pyrotechnic Safety.

71-8302.2. Definitions, Codes and Standards.

A. All definitions and references to codes and standards found in these regulations are promulgated in R.71-8300.2 unless modified by the following regulations as shown below.

71-8302.3. Licensing and Permitting Fees.

A. All applications for licenses and permits shall be accompanied by the appropriate fees as established per S.C. Code Ann. Section 23-36-40:

1. Class I Dealer License - \$1,000.00
2. Class II Dealer License - \$250.00
3. Explosive Magazine Permit - \$50.00
4. Blaster License - \$250.00
5. Blasting Permits – 30 days - \$50.00
6. Blasting Permits – 90 days - \$100.00
7. Blasting Permits – 180 days - \$250.00
8. Blasting Permits – 365 days - \$500.00

B. Submission requirements for Blasting Permit application

1. Applications for Blasting Permits shall be submitted to the OSFM for approval at least 48 hours before the start of blasting operations.

C. All fees paid to the OSFM are nonrefundable.

71-8302.4. Licenses and Permits.

A. Classification of Licenses and Permits

	Class	Category	Blasting Permitted
1.	A	Unlimited	All types of blasting
2.	B	General	All phases of blasting operations in quarries, aboveground open pit mines, and aboveground construction

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3.	C	General	All phases of blasting operations in underground mines, shafts, tunnels, and drifts
4.	D	Demolition	All phases of blasting in demolition projects
5.	E	Seismic	All phases of blasting in seismic prospecting
6.	G	Special	Special blasting as described on the permit

B. Licenses

1. No person shall be granted a license who has not successfully completed a written examination administered or accepted by the OSFM covering the applicable codes, state laws and regulations for the license classification for which they are applying.

2. Licenses are not transferable.

3. The OSFM may accept determination of relief from disability incurred by reason of a criminal conviction that has been granted by the Director of the Bureau of Alcohol, Tobacco, Firearm and Explosives, U. S. Department of Justice, Washington, D.C., pursuant to Section 555.142, Subpart H, Title 27, Code of Federal Regulations and Title 18 United States Code, Chapter 40, Section 845(b).

4. All applicants for licensing shall:

a. Submit an application for licensure as prescribed by OSFM.

b. Provide copies of all appropriate Federal licenses to handle and use explosives or explosive materials.

c. Provide proof of public liability insurance for an amount not less than five hundred thousand dollars (\$500,000). The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

d. Each applicant renewing a license shall attend at least four (4) hours of continuing education acceptable to the OSFM. Certificates of training or other proof of training attendance must be provided when requested by the OSFM.

C. Blasting Permits

1. Blasting Permit shall be requested online through the OSFM Information Management System (IMS) and shall contain the information deemed appropriate by the OSFM. At a minimum, the application form shall include:

a. Applicant name and contact information;

b. Blaster name, license, and contact information;

c. Blast site information including location, purpose of blasting, and fire department responsible for responding to the site;

d. Anticipated date and time range of blasting operations;

- e. The type(s) of explosive used;
- f. Information on quantities of explosive used including the estimated amount of explosives for the duration of the permit, amount per shot, and amount per charge; and,
- g. Information regarding whether a seismograph will be used.
- h. Current certificate of insurance;
- i. Site plan of the blast site showing measured distances to adjacent buildings, streets, utilities, wells, and other facilities that have been superimposed on officially published maps, electronic satellite imagery, or another means of showing the site area and its vicinity that OSFM determines to be acceptable;
- j. Blasting plan that addresses proposed blasting procedures, quantity of material to be removed by blasting, number of blasts to be detonated, quantity and type of explosives to be used, maximum amount of explosives per delay, the maximum number of holes per delay, and the proposed placement of seismographs; and
- k. Safety plan that addresses on-site storage, traffic control, barricading, signage plan, and adverse weather operation plan.

2. No permit will be granted without submission of a complete Blasting Permit application form and payment of application fee.

3. No variations from the terms of the blasting permit are allowed without authorization from the OSFM.

D. Magazine Permits

1. Magazine Permits shall be requested online through the OSFM Information Management System (IMS) and shall contain the information deemed appropriate by the OSFM.

2. Magazine permits shall be visible on the exterior of all magazines. Defaced or destroyed permits will be reported to the OSFM when discovered. The OSFM may, at their discretion, charge the administrative costs of replacing the magazine permit.

3. Each magazine shall be inspected and approved by the OSFM before use.

71-8302.5. Records.

A. Licensed blasters shall keep records of each blast. The Blaster's Log shall contain the following minimum data:

- 1. Name of company or contractor;
- 2. Location, date, and time of blast;
- 3. Name, signature, and license number of blaster in charge of blast;
- 4. Type of material blasted;
- 5. Number of holes, burden and spacing;
- 6. Diameter and depth of holes;

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7. Types of explosives used;
8. Total amount of explosives used;
9. Maximum amount of explosives per delay period of 8 milliseconds or greater;
10. Method of firing and type of circuit;
11. Direction and distance in feet to nearest dwelling house, public building, school, church, commercial or institutional building neither owned nor leased by the person conducting the blasting;
12. Weather conditions;
13. Type and height or length of stemming;
14. Whether mats or other protections were used;
15. Type of delay electric blasting caps used and delay periods used;
16. Exact location of seismograph, if used, and the distance of seismograph from blast as indicated accurately by the person taking the seismograph reading;
17. Seismograph records, where required including:
 - a. Name of person and firm analyzing the seismograph record; and
 - b. Seismograph reading;
18. Maximum number of holes per delay period of eight milliseconds or greater.

B. Blasters will provide a blast report on forms approved by the OSFM and submit these forms within three working days of the blast when deemed necessary by the OSFM.

C. Blasting records shall be retained by the licensed blaster and available for inspection by OSFM during normal work hours at their place of business. These blast records shall include as a minimum for each blast:

1. Blasting Permit;
2. Seismograph reports when used;
3. Blaster's Record/log;
4. Pre-Blast Survey (if applicable).

D. Magazine log shall be available for inspection by OSFM upon request during normal work hours or hours of operation of the magazine.

71-8302.6. Blasting Safety and Operations.

- A. The contractor, operator, and the blaster are responsible for the conduct of blasting operations on any site.
- B. These regulations do not relieve the contractor, operator, blaster or other persons of their responsibility and liability prescribed in other laws.

C. The OSFM may require the use of a seismograph on any blasting operation where damage to personal property has or may occur.

D. A Seismograph shall be used on all blasting operations: (1) within 1500 feet of a building, (2) where the scaled distances shown in NFPA 495 are not followed, or (3) when directed by the OSFM.

E. Operators shall notify the OSFM within 24 hours of any injuries, fires, thefts, property damage, or deaths caused by the use of explosive materials. The operators shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM Office with a copy of ATF Form 5400.5.

F. The operator shall have their license in their possession when handling, possessing or using explosive materials and shall show their license when asked by any AHJ.

G. A digital or hard copy of the blasting permit shall be made available at the firing station.

H. The following sequence shall be followed for each blast:

1. A warning signal shall be given before every blast. Warning signals shall comply with the following:

a. Warning signal is a one (1) minute series of long horn or siren blasts five (5) minutes before the blast signal.

b. Blast signal is a series of short horn or siren blasts one (1) minute before the shot.

c. All clear signal is a prolonged horn or siren blast following the inspection of the blast area.

2. The signal shall be made from an air horn, siren or other device, and must be loud enough to be clearly heard in all areas that could be affected by the blast or flyrock from the blast. The signal must be distinctive and unique so that it cannot be confused with any other signaling system that might occur on the site. A vehicle horn shall not be used as a signaling system.

71-8302.7. Repealed.

71-8302.8. Variances.

A. This section provides licensees the opportunity to request variances of the regulations under specific conditions.

1. The OSFM may grant variances when it can be demonstrated the variance improves safety or provides an equivalent level of safety as provided in the regulations and adopted codes.

2. Such a variance may be modified or revoked by the OSFM.

3. When applicable, these variances must also be approved by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives.

**SUBARTICLE 4
PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS**

71-8303. Portable Fire Extinguishers and Fixed Fire Extinguishing Systems.

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(Statutory Authority: 1976 Code Sections 23-9-20, 23-9-45)

71-8303.1. General.

A. The purpose of this subarticle is to regulate the inspection, testing and maintenance of portable fire extinguishers and the installation, testing, and maintenance of fixed fire extinguishing systems in the interest of protecting lives and property.

B. This regulation shall apply to:

1. The filling, charging, and recharging of all portable fire extinguishers other than the initial filling by the manufacturer.

2. The testing and maintenance of all types of portable fire extinguishers.

3. The installation, testing, and maintenance of all types of fixed fire extinguishing systems.

4. The installation, testing and maintenance of all Engineered Special Hazard Fire Suppression Systems.

71-8303.2. Definitions, Codes and Standards.

A. All definitions and references to codes and standards found in these regulations are promulgated in R.71-8300 unless modified by the following regulations as shown below.

71-8303.3. Fees for Licensing and Permitting.

A. All licenses and permits in this subarticle are valid for three (3) years and must be renewed prior to expiration. Fees are established as follows:

1. Dealer License - \$400.00

2. Employee Permit - \$100.00

3. Employee Permit Transfer - \$50.00

B. All fees are due at time of application for licenses, permits, or renewal.

C. All fees paid to the OSFM are nonrefundable.

71-8303.4. Licensing and Permitting Requirements.

A. General Licensing Requirements.

1. Each dealer testing and performing maintenance on portable fire extinguishers; installing, testing, and performing maintenance on fixed fire extinguishing systems or engineered special hazard fire suppression systems shall have a license issued by the OSFM.

2. Each dealer's license shall be displayed in a conspicuous location at their place of business.

3. Each dealer shall apply as prescribed by the OSFM, for the license classification the dealer is seeking.

4. Each dealer shall employ a primary qualifying party permitted by OSFM and identify the primary qualifying party on the application for licensure.

5. Each dealer shall furnish a certificate of insurance with their application in the amount required for their license classification. The dealer shall list the Office of State Fire Marshal and its agents as a certificate holder. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or not renewed, the insurer shall give immediate notice to the OSFM.

6. Each dealer shall possess or have access to the equipment necessary for the class of license sought.

7. Licenses issued under this subarticle are not transferable.

8. All licenses expire when insurance coverage lapses or is cancelled and on the day of expiration shown on the license and shall be renewed every three (3) years.

9. All licenses are suspended upon no primary qualifying party being employed by the dealer for the systems contained in the dealer's licensure category.

10. Each dealer shall furnish a notarized affidavit as required in S.C. Code Ann. Section 23-9-45 on a form supplied by the OSFM.

B. General Permitting Requirements.

1. Each individual performing maintenance, recharging, repairing, installing, or testing portable fire extinguishers, fixed fire extinguishing systems, or engineered special hazard fire suppression systems shall possess a valid permit issued by the OSFM.

2. Each individual shall apply as prescribed by the OSFM, for the permit classification they are seeking.

3. Applicants must be at least eighteen (18) years old.

4. Applicants shall provide proof of a current National Association of Fire Equipment Dealers (NAFED) certification through ICC for the applicable permit classification.

a. ICC/NAFED Certified Portable Fire Extinguisher Technician.

b. ICC/NAFED Pre-Engineered Kitchen Fire Extinguishing Systems Technician.

c. ICC/NAFED Pre-Engineered Industrial Fire Extinguishing Systems Technician.

d. NAFED Engineered Fire Suppression Systems Exam.

(i) The National Institute of Certification in Engineering Technologies (NICET) Level III, Technician certification for Special Hazards will be accepted as applicable for Engineered Systems.

5. Each applicant shall furnish a notarized affidavit as required in S.C. Code Ann. Section 23-9-45 on a form supplied by the OSFM.

6. Permit holders shall have their permits in their possession while working on equipment or systems covered by their permit.

7. Permit holders shall display their permits at the request of any AHJ.

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8. Permit holders shall be limited to specific type of work allowed by the class of permit they hold and the specific systems covered by their permit and shall not perform maintenance or repair on systems not covered by the permit for which they are trained.

9. Permits issued under this subarticle are transferable to another licensed affiliated company. Upon leaving the employment of the specifically identified company, the permit immediately becomes invalid until transferred to another licensed dealer.

10. Permits shall expire on the day of expiration shown on the permit and shall be renewed every three (3) years.

C. License and Permit Classifications.

1. Class "A" - may service, perform maintenance, recharge, or repair, all types of portable fire extinguishers, including recharging carbon dioxide units; and as applicable, to conduct hydrostatic tests on all types of fire extinguishers with a current retester identification number (RIN) issued by DOT or its designated agency.

2. Class "B" - Reserved.

3. Class "C" - Reserved.

4. Class "D" - may install, inspect, repair, recharge, service, maintain or test all types of pre-engineered fire extinguishing systems.

5. Class "E" - may install, inspect, repair, recharge, service, maintain or test engineered special hazard fire suppression systems.

D. Dealers applying for a Class "A" License shall meet all of the general requirements for licensing and provide proof of public liability insurance for an amount not less than one million (\$1,000,000) dollars.

E. Dealers applying for a Class "D" License shall:

1. Designate on their application for licensing each type of pre-engineered fire extinguishing system for which they want to be licensed;

2. Employ a minimum of one (1) full time employee permitted by the OSFM.

3. Provide proof of public liability insurance for an amount not less than one million (\$1,000,000) dollars; and

4. Provide proof of manufacturer's certification for at least one type of pre-engineered fire extinguishing system.

5. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer's certification or an affidavit which shall attest to the ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals and NFPA standards.

F. Individuals applying for a Class "A" Permit shall meet all of the general requirements.

G. Individuals applying for a Class "D" Permit must:

1. Designate on their application for licensing each type of pre-engineered fire extinguishing system for which they want to be permitted.

2. Provide proof of manufacturer's certification for at least one type of pre-engineered fire extinguishing system.

3. For each additional type of pre-engineered fire extinguishing system, the applicant may submit proof of a manufacturer's certification or an affidavit which shall attest to the ability to obtain the proper manufacturer's installation, maintenance and service manuals and manufacturer's parts or alternative components that are listed for use with the specific extinguishing system and provide testament that all installations and maintenance shall be performed in complete compliance with the manufacturer's installation, maintenance and service manuals and NFPA standards.

71-8303.5. Repealed.

71-8303.6. Restrictions for Fire Equipment Licenses and Permits.

A. A dealer or person shall not willfully engage in the business of installing, inspecting, repairing, recharging, testing or performing maintenance on fire equipment or use in any advertisement or on a business card or letterhead, or make any other verbal or written communication that the person is a Fire Equipment Dealer or acquiesce in such a representation, unless that person is licensed as a Fire Equipment Dealer by the OSFM.

B. No person shall install, inspect, repair, recharge, perform maintenance or test any type of fire equipment not covered on their permit or for which they do not have manufacturer training or certification to install, inspect, repair, recharge, perform maintenance or test.

71-8303.7. Dealers Performing Hydrostatic Testing.

A. Each dealer performing hydrostatic testing of fire extinguishers manufactured according to the specifications of the USDOT shall be required to possess a valid license issued by the USDOT. All hydrostatic testing of fire extinguishers shall be performed per the appropriate USDOT standards and NFPA standards.

B. Each employee certified to conduct hydrostatic testing shall maintain USDOT certification and provide a copy of the current certification to the OSFM upon request.

71-8303.8. Installation and Maintenance Procedures.

A. All Portable Fire Extinguishers and Fixed Fire Extinguishing Systems covered by these regulations shall be installed, inspected, tested and serviced per the applicable NFPA standards and the manufacturer's installation, service and maintenance manuals.

B. Any portable fire extinguisher or fixed fire extinguishing system that cannot be maintained per the manufacturer's installation, service, and maintenance manuals or the applicable NFPA standards shall be removed from service and replaced.

C. Tamper seals on all portable fire extinguishers and fixed fire extinguishing systems shall be imprinted with the year. Handwritten dates are not acceptable. The year imprinted on the tamper seal shall match the date on the maintenance tag affixed to the portable fire extinguisher or fixed fire extinguishing system.

71-8303.9. Repealed.

71-8303.10. Powers and Duties of the Office of State Fire Marshal.

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A. Powers and duties of the OSFM are:

1. To evaluate the applications of dealers or individuals for a license and permits to engage in the business of maintaining portable fire extinguishers or installing, testing and maintaining fixed fire extinguishing systems, and installing, testing and maintaining engineered special hazard fire suppression systems;

2. To issue licenses and permits required by this subarticle;

3. To issue administrative citations in accordance with S.C. Code Ann. Section 23-9-20;

4. To revoke licenses and permits in accordance with S.C. Code Ann. Section 23-9-45; and

5. To administer these regulations and supervise personnel in carrying out the requirements of this regulation.

B. The OSFM may suspend, revoke, refuse to renew, or refuse to issue licenses or permits in accordance with the Administrative Procedures Act.

71-8303.11. Fitness to Practice; Investigation of Complaints.

If the OSFM has reason to believe that a person licensed under this chapter has become unfit to practice as a Fire Equipment Dealer or permit holder based on a complaint filed with the OSFM alleging a violation of a provision of this chapter by a license or permit holder or if a complaint is filed with the OSFM alleging that a licensed person is fraudulently representing themselves as qualified to engage in business as a Fire Equipment Dealer or permit holder, the OSFM may initiate an investigation to determine if violations of these provisions exist.

71-8303.12. Administrative Sanctions.

A. If after an investigation it appears that the license or permit holder under this regulation has become unfit to practice or if a person is practicing without a license or permit, the OSFM may file a Petition with the Administrative Law Court stating the facts and the particular statutes and regulations at issue.

B. If, after an investigation, it appears that the license or permit holder under this regulation has committed a violation of the affidavit referenced in S.C. Code Ann. Section 23-9-45(B), the OSFM may revoke the fire equipment dealer license or the fire equipment permit, or both, in accordance with S.C. Code Ann. Section 23-9-45 or issue an administrative citation in accordance with S.C. Code Ann. Section 23-9-20.

71-8303.13. Repealed.

71-8303.14. Repealed.

71-8303.15. Stop Work Orders; Notice to Correct Hazardous Conditions.

When the OSFM shall have reason to believe that any person or dealer is practicing without a license or permit, the OSFM may issue and deliver to such person or dealer an order to stop work, pursuant to Subarticle 1.

71-8303.16. Repealed.

71-8303.17. Repealed.

71-8303.18. Penalties.

The OSFM may issue a citation for each offense to any person or dealer licensed or permitted under these regulations who has violated any provision of this subarticle or failed to install, inspect, repair, recharge, maintain or test Fire Equipment to applicable codes and standards. The OSFM may assess fines for each charge to both the fire equipment company and the permit holder. Citations may be assessed by the OSFM per S.C. Code Ann. Section 23-9-20 et seq.

SUBARTICLE 5
LIQUEFIED PETROLEUM GAS

71-8304. Liquefied Petroleum (LP) Gas.

(Statutory Authority: 1976 Code Sections 23-9-20, 40-82-70)

71-8304.1. General.

A. The purpose of this regulation is to provide reasonable protection of the health, welfare, and safety of the public and LP-Gas operators from the hazards associated with the handling, use, transportation, and storage of LP-Gas.

B. These regulations apply to:

1. LP-Gas Dealers, Installers, Gas Plants, Wholesalers, Resellers, or Cylinder Exchange operators and;
2. Any person handling, dispensing, transporting, or storing LP-Gas.

C. These regulations shall not apply to:

1. LP-Gas pipeline transmission.
2. Gas plants after the point where LP-Gas or LP-Gas and air mixture enters a utility distribution system.
3. Natural gas systems covered by the IFGC.

71-8304.2. Codes and Standards.

A. All references to codes and standards found in these regulations refer to the editions adopted in R.71-8300.2 and are modified by the following regulations as shown below.

B. The building code shall define occupancy classifications referenced in these regulations.

71-8304.3. Licensing and Permitting Fees.

A. The OSFM is responsible for all administrative activities of the licensing program. The SFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program. Fees may be adjusted not more than once each two years, using the method set out in S.C. Code Ann. Section 40-1-50(D), 1976, as amended.

B. Fees shall be established for the following:

1. Application
2. Testing

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3. Permitting
4. Licensing
5. Inspection
6. Renewal

C. All fees are due at time of application for licenses, testing, permits, inspection, or renewal.

D. All fees paid to the OSFM are nonrefundable.

71-8304.4. Licensing Requirements.

A. Licenses

1. Each company shall possess a license issued by the OSFM.
2. Licenses shall be displayed in a conspicuous location at the place of business for the LP-Gas Dealer, Installer, Gas Plant, Wholesaler, Reseller, or Cylinder Exchange operator.

B. Permits

1. Each site shall have a designated person that has a permit issued by the OSFM to supervise people handling, dispensing, installing, transporting, repairing, or exchanging LP-Gas.
2. Any applicant who fails the written examination is allowed one (1) re-test after a minimum seven (7) day waiting period. Any applicant who fails the re-test shall wait at least thirty (30) days before reapplying.
3. Permits shall bear the name, photograph, and any other identifying information deemed necessary by the OSFM.
4. Permit holders shall have their permit in their possession when supervising the handling, dispensing, installing, manufacturing, transporting, repairing, or exchanging LP-Gas.
5. Permit holders shall exhibit their permits on request of any AHJ.
6. Permits shall expire on the day of expiration shown on the permit and shall be renewed biennially.
7. Permits issued under this subarticle are not transferable.
8. Expired permits shall not be renewed. A new permit shall be obtained by complying with all requirements and procedures for an original permit.

71-8304.5. Plan Submittal Requirements.

Licensees that are required to obtain a site approval per S.C. Code Ann. Section 40-82-220, 1976, as amended, shall comply with the plan submittal requirements of the applicable codes and standards referenced in R.71-8304.2.

SUBARTICLE 6 USE OF PYROTECHNICS AND SPECIAL EFFECTS

71-8305. Pyrotechnics and Special Effects.

(Statutory Authority: 1976 Code Sections 23-9-20(4) and 23-35-45 et seq.)

71-8305.1. General.

A. The purpose of this regulation is to provide reasonable safety and protection to the public, public property, private property, performers, display operators, and emergency responders from the hazards associated with the handling, and use of pyrotechnics, flame effects, pyrotechnic simulation equipment/special effects and public fireworks displays.

B. This regulation shall apply to:

1. The handling and use of pyrotechnics and fireworks intended for a public fireworks display;
2. The construction, handling and use of fireworks equipment intended for public fireworks display;
3. The general conduct and operation of public firework displays;
4. The construction, handling, and use of pyrotechnics intended for proximate audience displays; special effects for motion picture, theatrical, and television productions;
5. The construction, handling, and use of flame effects intended for proximate audience displays, or special effects for motion picture, theatrical, and television productions;
6. The construction, handling, and use of rockets intended for proximate audience displays, or special effects for motion picture, theatrical, and television productions; and
7. The general conduct and operation of proximate audience displays.

C. This regulation shall not apply to:

1. The manufacture, sale, or storage of fireworks as governed by the SC Department of Labor Licensing and Regulation, State Board of Pyrotechnic Safety;
2. The transportation, handling, and/or use of fireworks by the SFM, his employees, or any commissioned law enforcement officers acting within their official capacities;
3. Fireworks deregulated by the USDOT;
4. Weapons used in enactments, when there is no projectile;
5. Artillery field pieces used as salutes with no projectile; and
6. The outdoor use of model rockets within the scope of NFPA 1122.
7. A person who purchases consumer fireworks and discharges them on their own property, either owned or leased, does not constitute a public fireworks display, regardless of the number of persons gathered.

71-8305.2. Definitions, Codes and Standards.

A. All definitions and references to codes and standards found in these regulations are promulgated in R.71-8300 unless modified by the following regulations as shown below.

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71-8305.3. Licensing and Permitting Fees.

A. All fees are due at time of application for licenses, tests, or permitting.

B. Permit applications are due in the OSFM fifteen business days before the performance date. Fees may be doubled for an application received less than fifteen days before the performance date.

C. Licensure Fees are established as follows:

1. Pyrotechnic Operator – Unrestricted - \$300.00
2. Pyrotechnic Operator – Restricted Outdoor - \$200.00
3. Pyrotechnic Operator – Restricted Outdoor (Consumer ONLY) - \$100.00
4. Pyrotechnic Operator – Special Effects (SFX) - \$300.00
5. Pyrotechnic Operator – Flame Effects ONLY - \$100.00

D. Permit Fees are established as follows:

1. 30 Day Outdoor Display - \$100.00
2. 30 Day Proximate Audience Display - \$250.00
3. 180 Day Outdoor Display or Proximate Audience Display - \$500.00
4. 365 Day Outdoor Display or Proximate Audience Display - \$1,000.00
5. 30 Day Special Effects (SFX) - \$500.00
6. 30 Day Flame Effects Display - \$100.00
7. 180 Day Flame Effects Display - \$500.00
8. 365 Day Flame Effects Display - \$1,000.00
9. Permit Modification Fee (for 180 or 365 Day Permits) - \$250.00

E. All fees paid to the OSFM are nonrefundable.

71-8305.4. Qualifications of Operators.

A. Operator Classifications

1. “Pyrotechnic Operator – Unrestricted” may conduct and take charge of all activity in connection with the use of rockets, flame effects, Display Fireworks, binary system pyrotechnics, consumer fireworks, theatrical pyrotechnics, novelties, and other special effects permitted by the OSFM for a proximate audience display, commercial entertainment, or special effects in motion picture, theatrical, and television productions in accordance with NFPA 1123, NFPA 1126, and NFPA 160. The use of explosives or explosive materials not covered under this regulation requires licensure in compliance with S.C. Code Ann. §23-36-10 et seq. and regulation promulgated by OSFM.

2. “Pyrotechnic Operator – Restricted Outdoor” may conduct and take charge of all activity in connection with the use of flame effects, Display Fireworks, binary system pyrotechnics, consumer fireworks, theatrical pyrotechnics and novelties permitted by the OSFM for an outdoor public fireworks display in accordance with NFPA 1123. This classification DOES NOT include displays before a proximate audience.

3. “Pyrotechnic Operator – Restricted Outdoor (Consumer ONLY)” may conduct and take charge of all activity in connection with the use of consumer fireworks for an outdoor public fireworks display. This classification DOES NOT include displays before a proximate audience.

4. “Pyrotechnic Operator – Special Effects (SFX)” may conduct and take charge of all activity in connection with the use of flame effects, display fireworks, binary system pyrotechnics, consumer fireworks, theatrical pyrotechnics, novelties, and other special effects permitted by the OSFM for the sole purpose of motion picture, television, theatrical or operatic productions. The use of explosives or explosive materials not covered under this regulation requires licensure in compliance with S.C. Code Ann. §23-36-10 et seq. and regulations promulgated by OSFM.

5. “Pyrotechnic Operator – Flame Effects” may conduct and take charge of all activity in connection with the use of flame effects intended for proximate audience displays, or special effects for motion picture, theatrical, and television productions before an audience in Group A and E occupancies per SCFC and NFPA 160.

B. All Operators.

1. No person shall be granted a license who has not successfully completed a written examination administered by the OSFM. The exam will cover the applicable codes, state laws, and regulations and the additional requirements listed below for the specific class of license for which they are applying.

2. Operators using explosives or explosive materials must have the appropriate Federal licenses. Operators shall provide a copy of applicable Federal licenses.

3. Licenses must be renewed every three (3) years prior to the day of expiration shown on the license.

4. Every two years, each licensed operator shall be required to attend training offered by the OSFM or attend pre-approved training providing a total of eight (8) hours of continuing education during the licensing cycle.

5. In accordance with the Administrative Procedures Act, the OSFM may petition an Administrative Law Judge to revoke or suspend a license because of, but not limited to:

a. Failure to comply with any order written by the OSFM;

b. Conviction of (1) a felony, (2) a crime of violence, or (3) any crime punishable by a term of imprisonment exceeding two years; or

c. Advocating or knowingly belonging to any organization or group which advocates violent overthrow of or violent action against the federal, state, local government, or its citizens; or

d. Having or contracting physical or mental illness or conditions that in the judgment of the OSFM would make use or possession of fireworks, pyrotechnics, or explosive materials hazardous to the licensee or the public; or

e. Violating the terms of the license or essential changes in the conditions under which the license was issued without prior approval of the OSFM;

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f. Violating the state laws or regulations governing Public Fireworks Displays or Proximate Audience Pyrotechnics; or

g. Giving false information or making a misrepresentation to obtain a license.

6. Applications for Pyrotechnic Operator – Restricted Outdoor licensing shall provide a notarized statement from a licensed display operator that the applicant has actively participated in the set-up and operation of at least six (6) fireworks displays and is adequately trained to NFPA 1123, and referenced standards as applicable, and the statement must indicate for each display the date, the site, and the name and license number of the supervising operator.

7. The person in charge of the Public Fireworks Display shall be licensed by the OSFM.

8. Applications for Pyrotechnic Operator – Unrestricted licensing shall additionally provide a notarized statement from a licensed display operator or company that the applicant has actively participated and trained in the set-up and operation of at least six (6) proximate audience performances in accordance with NFPA 1126 and referenced standards, and using the types of pyrotechnics for the license classification the applicant is seeking. The statement must indicate for each display the date, the site, and the name and license number of the supervising operator.

9. Licenses for pyrotechnic operators authorize and place the responsibility for the handling, supervision, and discharge of the fireworks or pyrotechnic device permitted by their license classification. The operator is responsible for training of assistants in the safe handling, supervision, and discharge of the fireworks or pyrotechnic devices permitted by their license classification. Assistants that handle and discharge fireworks shall possess proper ATF clearance, where required.

71-8305.5. Display Permits.

A. All Displays.

1. Any person who desires to hold a Public Fireworks Display, Proximate Audience Display, Special Effects Display, or Flame Effects Display in front of an audience shall obtain a permit from the OSFM before the display.

2. The OSFM may revoke, suspend, or deny a permit because of, but not limited to:

- a. The display operator does not possess the correct license classification for the display;
- b. Not complying with any order written by the OSFM;
- c. Violating the terms of the permit or essential changes in the conditions under which the permit was issued without prior approval of the OSFM;
- d. Giving false information or making a misrepresentation to obtain a permit;
- e. Failure to follow applicable codes and standards;
- f. Incident causing injury or death.

3. A “Request to Modify an Existing Pyrotechnic Display Permit” form must be submitted for approval of requested changes in the conditions or terms under which a permit was previously issued.

4. Permits shall be requested through the OSFM IMS.

5. All pyrotechnics shall be purchased from a pyrotechnic manufacturer or distributor licensed by the South Carolina Board of Pyrotechnic Safety. A licensed South Carolina Pyrotechnic Operator shall be present and supervise the firing of all public fireworks displays.

6. The fireworks supplier shall carry a minimum of \$1,000,000 of Public Liability Insurance. The policy must list as an additional insured the display sponsor as well as the State of South Carolina, and its agents. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

7. Public Liability Insurance in the amount of \$1,000,000 shall be provided by the permittee. The permittee shall furnish a certificate of insurance (COI) in this amount with their application. The permittee shall list the State of South Carolina and its agents as additional insured. The COI shall contain the display dates or period.

8. The coverage company must be an insurer which is either licensed by the DOI in this State or approved by the DOI as a nonadmitted surplus lines carrier for risks located in this State. In the event the liability insurance is canceled, suspended, or nonrenewed, the insurer shall give immediate notice to the OSFM.

71-8305.6. Operational Requirements of Displays.

A. All Displays.

1. The operator shall have their license in their possession when conducting a display and shall exhibit their license on request of any AHJ.

2. All displays must have a person in charge that holds the proper license issued by the OSFM for the type of display being conducted.

3. Magazine log shall be available for inspection during normal work hours, 1 hour before, and 1 hour after each performance.

4. Operators must notify the OSFM within 24 hours of any fires, thefts, injuries or deaths involving fireworks. The operators shall provide the OSFM with a copy of the report filed with the police department or the incident report from the fire department. Operators must also provide the OSFM with a copy of ATF Form 5400.5.

5. Any person who violates any provision of these laws and regulations will be subject to the following penalty provisions:

a. S.C. Code Ann. Section 23-9-20,

b. S.C. Code Ann. Section 23-35-150.

6. Storage of special effects pyrotechnics and other materials at the display site.

a. All classes of explosives shall be stored in accordance with the South Carolina Explosives Control Act (S.C. Code Ann. Section 23-36-10, et seq., NFPA 495, and Title 27 Code of Federal Regulations, Chapter II, Subchapter C, Part 555, Subpart K.

b. All other fireworks or pyrotechnic materials shall be stored per the appropriate NFPA standard when at the display site.

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7. The AHJ may require the permittee to furnish fire support personnel other than local firefighters.

B. Outdoor Displays.

1. Where unusual conditions exist, the AHJ may increase the minimum clearances as necessary before granting approval of the display site. The AHJ may not reduce clearances specified in NFPA 1123 without written approval of the OSFM.

2. A copy of the display permit shall be accessible on site.

3. Operators shall never use damaged fireworks, fireworks that are wet, or fireworks damaged by moisture. Operators shall not dry wet pyrotechnics for reuse. Operators shall handle and dispose of wet or damaged pyrotechnics per the manufacturer's instructions.

4. The operator of the display shall keep a record of all shells that fail to ignite or function. The form shall be completed and returned to the supplier within fifteen days of the display and the operator shall retain a copy for their records. The operator and supplier shall retain Malfunction Reports for three years from the date of the display. The operator and supplier must produce these reports upon request of the OSFM.

5. Moorings or anchors shall secure floating vessels or platforms used for firing of a Public Fireworks Display.

6. Operators shall not reload mortars during a display.

7. It shall be the responsibility of the permittee to arrange with the AHJ for the detailing of firefighters and equipment as required.

C. Proximate Audience Display.

1. The licensed pyrotechnic operator is responsible for the storing, handling, supervision, discharge, and removal of all pyrotechnic devices and materials based on their license classification and the terms of their permit. The licensed pyrotechnic operator is responsible for supervising and training of their assistants in the safe handling and discharge of all pyrotechnic devices.

2. The permit package shall contain a copy of the permit, Certificate of Insurance, and the MSDS(s) for material used.

3. A copy of the permit package shall be kept at the control site used to initiate the display. An audible announcement shall be made not more than 10 minutes before the display to notify personnel of the use of proximate audience pyrotechnics.

4. Motion Picture productions shall display one permit package at the production office, and maintain the second permit package on the film site through the First Assistant Director. Before the start of any effect, verbal notification of Proximate Audience Pyrotechnic use shall be required before each camera roll.

5. The AHJ may inspect the proximate audience display. As a minimum, the inspection shall cover the requirements in Annex B of NFPA 1126.

6. The permittee shall furnish a fire watch during the times the special effects materials have been removed from storage and/or magazines and the conclusion of the performance. This person shall be identified by an orange shirt or vest (or other color approved by the AHJ) with three-inch white letters on the front and back stating FIRE WATCH. For motion picture productions, the method for identifying the FIRE WATCH shall be a mutually agreed means of designation between the OSFM, the permittee, and the First Assistant Director.

7. Indoor facilities used for Proximate Audience Displays must be equipped with an automatic fire alarm system and a public address system.

a. The fire alarm system shall be zoned so that the areas affected by special effects smoke can be overridden during the event.

b. An override switch shall be provided at the firing point and a second switch in the control room to shut off stage sound and make the public address system available for evacuation instructions. These switches must be labeled and visible throughout the show.

c. The fire alarm system must be returned to normal operation before the fire watch and the display operator may leave the facility.

71-8305.7. Community Fireworks Displays.

A. This regulation shall not apply to a person who purchases consumer fireworks and discharges them on their own property, either owned or leased. These conditions do not constitute a public display regardless of the number of persons gathered.

B. It shall be deemed a violation of these regulations to:

1. Hold a Community Fireworks Display using consumer fireworks, without an approved permit from the OSFM;

2. Explode or ignite fireworks within 300 ft. of where fireworks are stored, sold or offered for sale;

3. Explode or ignite fireworks for a community fireworks display less than 200 ft. from spectators, occupied buildings, and parking;

4. Ignite, discharge, and/or throw fireworks from any motor vehicle or to place, ignite, discharge, and/or throw fireworks into or at any motor vehicle; and

5. Ignite or discharge fireworks in a wanton or reckless manner to constitute a threat to the personal safety or property of another.

71-8305.8. Repealed.

**SUBARTICLE 7
HYDROGEN FACILITIES**

71-8306. Hydrogen Facilities.

(Statutory Authority: 1976 Code Section 23-9-550)

71-8306.1. General.

A. The purpose of these regulations are to provide reasonable safety and protection to the public, public property, private property from the hazards associated with Hydrogen fuel facilities intended for retail purchase by the general public to power motor vehicles.

B. Permitting of such hydrogen facilities in this State must be by the State Fire Marshal, or he may delegate this permitting authority to a qualifying county or municipal official in accordance with S.C. Code Ann. Section 23-9-540.

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71-8306.2. Repealed.

71-8306.3. Repealed.

71-8306.4. Repealed.

71-8306.5. OSFM Licensing and permitting fees.

A. All fees are due at time of application for licenses, tests, or permitting.

B. Permit applications are due in the OSFM prior to construction or installation.

C. Approval of plans for hydrogen facilities are to be obtained prior to start of construction or installation.

D. The OSFM is responsible for all administrative activities of the licensing program. The OSFM shall employ and supervise personnel necessary to effectuate the provisions of this article and shall establish fees sufficient but not excessive to cover expenses, including direct and indirect costs to the State for the operation of this licensing program.

E. Fees shall be established for the following:

1. Application fee - \$10.00

2. Permitting fee (includes plan review and initial site inspection) - \$250.00

3. Inspection fee (semi-annual) - \$100.00

4. Renewal of permits (annual - includes inspection) - \$100.00

F. The application fee is due at time of application for license.

G. All fees paid to the OSFM are nonrefundable.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The Office of State Fire Marshal proposes to amend sections in Chapter 71, Article 8 related for the implementation of licensing, permitting and certification programs and for fire prevention and protection of the life and property of the residents of the State based on nationally-recognized codes and standards.