

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Fire Prevention
(Amendment)

815 KAR 10:070. Consumer fireworks retailer registration and fees.

RELATES TO: KRS 227.700, 227.702, 227.704, 227.708, 227.710, 227.715, 227.750, 227.752

STATUTORY AUTHORITY: KRS 227.715

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.715 authorizes the department to promulgate administrative regulations establishing registration requirements and fees for any person, firm, co-partnership, non-profit, or business intending to sell consumer fireworks in the Commonwealth. This administrative regulation establishes the registration forms, submission process, and fees for consumer fireworks retailers.

Section 1. Filing of Annual Registration by Consumer Fireworks Retailers.

- (1) A retailer shall not offer for sale, sell at retail, or keep with intent to sell consumer fireworks without annually registering with the Kentucky State Fire Marshal.
- (2) All retailers of consumer fireworks required by KRS 227.715 to annually register with the State Fire Marshal shall submit to the Division of Fire Prevention:
 - (a) A completed Fireworks Registration Application, Form FM 32-03 ;
 - (b) A nonrefundable annual registration fee as established in Section 2 of this administrative regulation; and
 - (c) Evidence that a current sales and use tax permit has been obtained from the Department of Revenue.
- (3) Registration shall not be complete until a Fireworks Registration Application, payment of the appropriate fireworks retailer fee, and evidence of current sales and use tax permit are received and processed by the Division of Fire Prevention, State Fire Marshal.

Section 2. Fee Schedule for Registration of Consumer Fireworks Retailers.

- (1) The annual consumer fireworks retailer registration fees for each site shall be:
 - (a) Twenty-five (25) dollars for registration of retailers intending to sell consumer fireworks described in KRS 227.702(1);
 - (b) \$250 for registration of seasonal retailers intending to sell consumer fireworks described in KRS 227.702(2) and (3) between June 10th and July 7th, or between December 26th and January 4th; and
 - (c) \$500 for registration of permanent retailers whose primary source of business is the sale of consumer fireworks as defined in KRS 227.702(2) and (3).
- (2) If registration is received less than fifteen (15) days prior to offering fireworks for sale at the site for which registration is submitted, an additional \$100 shall be added to the initial fee, in accordance with KRS 227.715(5).
- (3) All registration fees shall be nonrefundable.

Section 3. Payment of Fees.

- (1) A fee submitted to the Division of Fire Prevention, State Fire Marshal, shall be made payable to the Kentucky State Treasurer.
- (2) If a fee is returned to the Division of Fire Prevention for nonpayment or insufficient funds, the Fire Marshal may revoke registration of the site in accordance with KRS 227.715(10), unless proof of financial institution error is provided.

Section 4. Incorporation by Reference.

(1) Form FM 32-03, "Fireworks Registration Application", May 2020, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Fire Prevention, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(37 Ky.R. 3045; 38 Ky.R. 241; eff. 8-17-2011; TAm eff. 6-7-2018; TAm eff. 5-29-2020; 48 Ky.R. 627; eff. 3-1-2022.)

KERRY B. HARVEY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: July 6, 2021

FILED WITH LRC: July 6, 2021 at 12:27 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be head at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0604, fax (502) 573-1057, email benjamin.siegel@ky.gov.