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AB-467 Pyrotechnic devices: model rockets. (2015-2016)

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Assembly Bill No. 467

CHAPTER 106

An act to amend Sections 12519, 12520, 12565, 12602, 12632, 12634, 12640, 12688, and 12722 of the Health and Safety Code, relating to explosives.

[Approved by Governor July 15, 2015. Filed with Secretary of State July 15, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 467, Chang. Pyrotechnic devices: model rockets.

Existing law authorizes the State Fire Marshal to issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices. Existing law provides that a license shall not be required for the retail sale, use, or discharge of model rocket engines. Existing law requires the State Fire Marshal to classify all fireworks and pyrotechnic devices and prohibits the importation, sale, or offering for sale prior to the classification. Existing law requires all fireworks or toy propellant devices containing pyrotechnic compositions that the State Fire Marshal finds come within the definition of a "model rocket" or "model rocket engine" to be classified as model rocket engines. Existing law prohibits a person from launching a model rocket from a site without first securing authorization from the authority having jurisdiction. Existing law defines a model rocket as a toy or educational device that weighs not more than 500 grams, including the engine and any payload, that is propelled by a model rocket engine. Existing law defines a model rocket engine as a commercially manufactured, nonreusable rocket propulsion device that is constructed of nonmetallic casing and solid propellant, as provided.

This bill would add to the definition of "model rocket" a requirement that it conform to the definition of "model rocket" as used in the 2013 edition of the "NFPA 1122: Code for Model Rocketry," or a more recent edition as adopted by the State Fire Marshal, and would increase the maximum weight of a model rocket to not more than 1500 grams. This bill would change all references in statute to model rocket engines to instead refer to model rocket motors. The bill would revise the definition of "model rocket motor" to mean a rocket propulsion device using commercially manufactured solid propellant that does not require mixing by the user and that conforms to the definition of "model rocket motor" as used in the 2012 edition of the "NFPA 1125: Code for the Manufacture of Model Rocket and High Power Rocket Motors," or a more recent edition as adopted by the State Fire Marshal.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12519 of the Health and Safety Code is amended to read:

12519. "Model rocket" means a toy or educational device that weighs not more than 1500 grams, including the engine and any payload, that is propelled by a model rocket motor, and that conforms to the definition of "model rocket" in the 2013 edition of the "NFPA 1122: Code for Model Rocketry," or a more recent edition as adopted by the State Fire Marshal.

SEC. 2. Section 12520 of the Health and Safety Code is amended to read:

12520. “Model rocket motor” means a rocket propulsion device using commercially manufactured solid propellant, that does not require mixing by the user, and that conforms to the definition of “model rocket motor” in the 2012 edition of the “NFPA 1125: Code for the Manufacture of Model Rocket and High Power Rocket Motors,” or a more recent edition as adopted by the State Fire Marshal.

SEC. 3. Section 12565 of the Health and Safety Code is amended to read:

12565. All fireworks or toy propellant devices containing pyrotechnic compositions examined by the State Fire Marshal and found by him or her to come within the definition of “model rocket” or “model rocket motor” in Section 12519 or 12520, respectively, shall be classified as model rocket motors.

SEC. 4. Section 12602 of the Health and Safety Code is amended to read:

12602. A license shall not be required for the retail sale, use, or discharge of agricultural and wildlife fireworks, model rocket motors, or emergency signaling devices.

SEC. 5. Section 12632 of the Health and Safety Code is amended to read:

12632. The original and annual renewal license fee to manufacture, import, export, or wholesale, or any combination thereof, model rocket motors shall be established and collected by the State Fire Marshal.

SEC. 6. Section 12634 of the Health and Safety Code is amended to read:

12634. When a license to manufacture, wholesale, or import and export fireworks has been issued pursuant to Section 12571, 12572, or 12573, respectively, a separate license for the same person to manufacture, wholesale, import, or export agricultural and wildlife fireworks or model rocket motors pursuant to Section 12631 or 12632 shall not be required where the license allows the activity with respect to other fireworks.

SEC. 7. Section 12640 of the Health and Safety Code is amended to read:

12640. In any case where this chapter requires that a permit be obtained from the State Fire Marshal, or in any case where the public agency having local jurisdiction requires pursuant to this chapter that a permit be obtained, a licensee shall possess a valid permit before performing any of the following:

(a) Manufacturing, importing, exporting, storing, possessing, or selling dangerous fireworks at wholesale.

(b) Manufacturing, importing, exporting, storing, selling at wholesale and retail safe and sane fireworks and transporting safe and sane fireworks, except that a transportation permit shall not be required for safe and sane fireworks possessed by retail licensees.

(c) Manufacturing, importing, exporting, possessing, storing, transporting, using, selling at wholesale and retail, those fireworks classified by the State Fire Marshal as agricultural and wildlife fireworks.

(d) Manufacturing, importing, exporting, possessing, storing, selling at wholesale and retail, model rocket motors.

(e) Discharging dangerous fireworks at any place, including a public display.

(f) Using special effects.

SEC. 8. Section 12688 of the Health and Safety Code is amended to read:

12688. It is unlawful for a person to advertise to sell or transfer any class of fireworks, including agricultural and wildlife fireworks or model rocket motors, unless he or she possesses a valid license or permit.

SEC. 9. Section 12722 of the Health and Safety Code is amended to read:

12722. The following fireworks may be seized pursuant to Section 12721:

- (a) Those fireworks that are sold, offered for sale, possessed, stored, used, or transported within this state prior to having been examined, classified, and registered by the State Fire Marshal, except those specific items designated as samples pending examination, classification, and registration by the State Fire Marshal where the licensee provides documentary evidence that the action by the State Fire Marshal is pending.
- (b) All imported fireworks possessed without benefit of the filing of notices as required by this part.
- (c) Safe and sane fireworks stored in violation of the conditions required by the permit as provided in this part.
- (d) Safe and sane fireworks sold or offered for sale at retail that do not bear the State Fire Marshal label of registration and firing instructions.
- (e) Safe and sane fireworks sold or offered for sale at retail that are in unsealed packages or containers that do not bear the State Fire Marshal label of registration and firing instructions.
- (f) Safe and sane fireworks sold or offered for sale at retail before 12 noon on the 28th day of June or after 12 noon on the sixth day of July of each year.
- (g) Each safe and sane fireworks item sold or offered for sale at retail that does not have its fuse or other igniting device protected by a cap approved by the State Fire Marshal, or groups of fireworks with exposed fuses that are not enclosed in sealed packages that bear the State Fire Marshal label of registration. The State Fire Marshal shall approve the caps as he or she determines provide reasonable protection from unintentional ignition of the fireworks.
- (h) Dangerous fireworks, including fireworks kits, used, possessed, stored, manufactured, or transported by a person who does not possess a valid permit authorizing an activity listed in this part.
- (i) Fireworks stored or sold in a public garage or public oil station, or on any premises where gasoline or any other class 1 flammable liquids are stored or dispensed.
- (j) Fireworks still possessed by a person who has just thrown any ignited fireworks at a person or group of persons.
- (k) Model rocket motors or model rockets with motors possessed by a person who does not hold a valid permit.
- (l) An emergency signaling device sold, offered for sale, or used that does not bear the State Fire Marshal label of registration as required by this part.
- (m) Fireworks or pyrotechnic device offered for sale by a person violating this part.