
ASSEMBLY BILL NO. 304—ASSEMBLYMEN BOBZIEN; BENITEZ-
THOMPSON, HICKEY, SEGERBLOM AND SMITH

MARCH 17, 2011

JOINT SPONSORS: SENATORS LESLIE; AND COPENING

Referred to Committee on Government Affairs

SUMMARY—Provides for the certification of fire performers and apprentice fire performers. (BDR 42-885)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fire protection; prohibiting a person from acting as a fire performer unless the person holds a certificate of registration as a fire performer or apprentice fire performer; providing for the application for and issuance of a certificate of registration as a fire performer or apprentice fire performer; prohibiting an apprentice fire performer from acting as a fire performer without certain supervision; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Currently, regulations adopted by the State Fire Marshal, who is charged with
2 enforcing all laws and adopting regulations relating to fire prevention, require a
3 person to obtain from the State Fire Marshal a certificate of registration as a fire
4 performer before entertaining or otherwise performing before an audience using an
5 open flame. (NRS 477.030; NAC 477.630) Any person who knowingly violates
6 any of those laws or regulations is guilty of a misdemeanor. (NRS 477.250)
7 This bill enacts similar provisions to replace those regulations and adds
8 requirements for both fire performers and apprentice fire performers. Under **section**
9 **5** of this bill, a person is prohibited from acting as a fire performer unless the
10 person is the holder of a certificate of registration as a fire performer or apprentice
11 fire performer. **Section 5** authorizes the State Fire Marshal to issue either certificate
12 to a person who is at least 12 years of age, submits an application that includes a



13 description of the person's experience as a fire performer or apprentice fire
14 performer and all safety precautions used by the applicant while acting as a fire
15 performer or apprentice fire performer, and pays an application fee. **Section 5** also
16 provides for the annual renewal of each certificate.

17 **Section 6** of this bill prohibits an apprentice fire performer from acting as a fire
18 performer unless the apprentice is directly supervised at all times by a registered
19 fire performer who is at least 18 years of age. The person supervising must ensure
20 that the apprentice fire performer safely handles and operates any equipment and
21 complies with all applicable laws relating to acting as a fire performer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 477 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*

8 **Sec. 3.** *“Apprentice fire performer” means a person who is*
9 *issued a certificate of registration as an apprentice fire performer*
10 *pursuant to section 5 of this act.*

11 **Sec. 4.** *“Fire performer” means an entertainer or other*
12 *performer who performs for an audience using an open flame.*

13 **Sec. 5.** 1. *A person shall not act as a fire performer unless*
14 *the person is the holder of a certificate of registration as a fire*
15 *performer or apprentice fire performer issued by the State Fire*
16 *Marshal pursuant to this section.*

17 2. *An applicant for a certificate of registration as a fire*
18 *performer or apprentice fire performer must:*

19 (a) *Be a natural person who is at least 12 years of age;*

20 (b) *Make a written notarized application to the State Fire*
21 *Marshal on a form provided by the State Fire Marshal;*

22 (c) *Submit to the State Fire Marshal a resume setting forth the*
23 *experience of the applicant as a fire performer or apprentice fire*
24 *performer and a description of all safety precautions used by the*
25 *applicant while acting as a fire performer or apprentice fire*
26 *performer; and*

27 (d) *Pay an application fee not to exceed \$27.50.*

28 3. *The State Fire Marshal may:*

29 (a) *Issue to any person who applies for either certificate*
30 *pursuant to subsection 2 a certificate of registration as a fire*
31 *performer or apprentice fire performer; and*

32 (b) *Renew a certificate of registration as a fire performer or*
33 *apprentice fire performer to any person who applies for a renewal*



1 in a manner specified by the State Fire Marshal and pays a
2 renewal fee not to exceed \$27.50.

3 4. A certificate of registration as a fire performer or
4 apprentice fire performer is valid for 1 year after the date it is
5 issued.

6 **Sec. 6. 1.** An apprentice fire performer may not act as a
7 fire performer unless, at all times while the apprentice fire
8 performer is acting as a fire performer, the apprentice fire
9 performer is directly supervised by a person who:

10 (a) Is at least 18 years of age; and

11 (b) Is the holder of a certificate of registration as a fire
12 performer issued pursuant to section 5 of this act.

13 2. While an apprentice fire performer is acting as a fire
14 performer, the fire performer who is directly supervising the
15 apprentice fire performer shall ensure that the apprentice fire
16 performer:

17 (a) Safely handles and operates any equipment used by the
18 apprentice fire performer; and

19 (b) Complies with all applicable laws and regulations
20 concerning acting as a fire performer.

21 **Sec. 7. 1.** In addition to any other requirements set forth in
22 sections 2 to 8, inclusive, of this act, an applicant for the issuance
23 or renewal of a certificate of registration pursuant to section 5 of
24 this act shall:

25 (a) Include the social security number of the applicant in the
26 application submitted to the State Fire Marshal.

27 (b) Submit to the State Fire Marshal the statement prescribed
28 by the Division of Welfare and Supportive Services of the
29 Department of Health and Human Services pursuant to NRS
30 425.520. The statement must be completed and signed by the
31 applicant.

32 2. The State Fire Marshal shall include the statement
33 required pursuant to subsection 1 in:

34 (a) The application or any other forms that must be submitted
35 for the issuance or renewal of the certificate of registration; or

36 (b) A separate form prescribed by the State Fire Marshal.

37 3. A certificate of registration may not be issued or renewed
38 by the State Fire Marshal pursuant to section 5 of this act if the
39 applicant:

40 (a) Fails to submit the statement required pursuant to
41 subsection 1; or

42 (b) Indicates on the statement submitted pursuant to
43 subsection 1 that the applicant is subject to a court order for the
44 support of a child and is not in compliance with the order or a
45 plan approved by the district attorney or other public agency



1 *enforcing the order for the repayment of the amount owed*
2 *pursuant to the order.*

3 *4. If an applicant indicates on the statement submitted*
4 *pursuant to subsection 1 that the applicant is subject to a court*
5 *order for the support of a child and is not in compliance with the*
6 *order or a plan approved by the district attorney or other public*
7 *agency enforcing the order for the repayment of the amount owed*
8 *pursuant to the order, the State Fire Marshal shall advise the*
9 *applicant to contact the district attorney or other public agency*
10 *enforcing the order to determine the actions that the applicant*
11 *may take to satisfy the arrearage.*

12 **Sec. 8. 1.** *If the State Fire Marshal receives a copy of a*
13 *court order issued pursuant to NRS 425.540 that provides for the*
14 *suspension of all professional, occupational and recreational*
15 *licenses, certificates and permits issued to a person who is the*
16 *holder of a certificate of registration as a fire performer or*
17 *apprentice fire performer, the State Fire Marshal shall deem the*
18 *certificate of registration issued to that person to be suspended at*
19 *the end of the 30th day after the date on which the court order was*
20 *issued unless the State Fire Marshal receives a letter issued to the*
21 *holder of the certificate of registration by the district attorney or*
22 *other public agency pursuant to NRS 425.550 stating that the*
23 *holder of the certificate of registration has complied with the*
24 *subpoena or warrant or has satisfied the arrearage pursuant to*
25 *NRS 425.560.*

26 *2. The State Fire Marshal shall reinstate a certificate of*
27 *registration as a fire performer or apprentice fire performer that*
28 *has been suspended by a district court pursuant to NRS 425.540 if*
29 *the State Fire Marshal receives a letter issued by the district*
30 *attorney or other public agency pursuant to NRS 425.550 to the*
31 *person whose certificate of registration was suspended stating that*
32 *the person whose certificate of registration was suspended has*
33 *complied with the subpoena or warrant or has satisfied the*
34 *arreage pursuant to NRS 425.560.*

35 **Sec. 9.** *On or before December 30, 2011, the State Fire*
36 *Marshal shall adopt any regulations necessary to carry out the*
37 *amendatory provisions of this act.*

38 **Sec. 10. 1.** *This act becomes effective upon passage and*
39 *approval for the purpose of adopting regulations and on January 1,*
40 *2012, for all other purposes.*

41 *2. Sections 7 and 8 of this act expire by limitation on the date*
42 *on which the provisions of 42 U.S.C. § 666 requiring each state to*
43 *establish procedures under which the state has authority to withhold*
44 *or suspend, or to restrict the use of professional, occupational and*
45 *recreational licenses of persons who:*



- 1 (a) Have failed to comply with a subpoena or warrant relating to
- 2 a proceeding to determine the paternity of a child or to establish or
- 3 enforce an obligation for the support of a child; or
- 4 (b) Are in arrears in the payment for the support of one or more
- 5 children,
- 6 ➤ are repealed by the Congress of the United States.

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