

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—Makes various changes relating to 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; codifying in statute the  
requirement in regulation that a person obtain a certificate  
of registration before acting as a fire performer;  
authorizing a person to act as a fire performer if the  
person holds a certificate of registration as an apprentice  
fire performer; providing for the application for and  
issuance of a certificate of registration as an 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 apply to the State Fire Marshal for 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 codifies in statute the requirements in 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, as in existing



\* A B 3 0 4 R 1 \*

11 regulation. **Section 5** also authorizes a person to act as a fire performer if the person  
12 is the holder of a certificate of registration as an apprentice fire performer. **Section**  
13 **5** authorizes the State Fire Marshal to issue either certificate to a person who is at  
14 least 18 years of age, submits an application that includes a description of the  
15 person's experience as a fire performer or apprentice fire performer and all safety  
16 precautions used by the applicant while acting as a fire performer or apprentice fire  
17 performer, and pays an application fee prescribed by regulations adopted by the  
18 State Fire Marshal. **Section 5** also provides for the renewal of each such certificate.  
19 **Section 6** of this bill prohibits an apprentice fire performer from acting as a fire  
20 performer unless the apprentice is directly supervised at all times by a registered  
21 fire performer who is at least 21 years of age. The person supervising must ensure  
22 that the apprentice fire performer safely handles and operates any equipment and  
23 complies with all applicable laws relating to acting as a fire performer.

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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 18 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 in an amount prescribed by*  
28 *regulations adopted by the State Fire Marshal.*

29 3. *The State Fire Marshal may:*



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

4 (b) Renew a certificate of registration as a fire performer or  
5 apprentice fire performer to any person who applies for a renewal  
6 in a manner specified by the State Fire Marshal and pays a  
7 renewal fee in an amount prescribed by regulations adopted by the  
8 State Fire Marshal.

9 4. A certificate of registration as a fire performer or  
10 apprentice fire performer is valid for the period prescribed by  
11 regulations adopted by the State Fire Marshal.

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

16 (a) Is at least 21 years of age; and

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

19 2. While an apprentice fire performer is acting as a fire  
20 performer, the fire performer who is directly supervising the  
21 apprentice fire performer shall ensure that the apprentice fire  
22 performer:

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

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

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

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

33 (b) Submit to the State Fire Marshal the statement prescribed  
34 by the Division of Welfare and Supportive Services of the  
35 Department of Health and Human Services pursuant to NRS  
36 425.520. The statement must be completed and signed by the  
37 applicant.

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

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

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

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



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

3 (b) Indicates on the statement submitted pursuant to  
4 subsection 1 that the applicant is subject to a court order for the  
5 support of a child and is not in compliance with the order or a  
6 plan approved by the district attorney or other public agency  
7 enforcing the order for the repayment of the amount owed  
8 pursuant to the order.

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

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

32 2. The State Fire Marshal shall reinstate a certificate of  
33 registration as a fire performer or apprentice fire performer that  
34 has been suspended by a district court pursuant to NRS 425.540 if  
35 the State Fire Marshal receives a letter issued by the district  
36 attorney or other public agency pursuant to NRS 425.550 to the  
37 person whose certificate of registration was suspended stating that  
38 the person whose certificate of registration was suspended has  
39 complied with the subpoena or warrant or has satisfied the  
40 arrearage pursuant to NRS 425.560.

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



1     **Sec. 10.** 1. This act becomes effective upon passage and  
2 approval for the purpose of adopting regulations and on January 1,  
3 2012, for all other purposes.  
4     2. Sections 7 and 8 of this act expire by limitation on the date  
5 on which the provisions of 42 U.S.C. § 666 requiring each state to  
6 establish procedures under which the state has authority to withhold  
7 or suspend, or to restrict the use of professional, occupational and  
8 recreational licenses of persons who:  
9     (a) Have failed to comply with a subpoena or warrant relating to  
10 a proceeding to determine the paternity of a child or to establish or  
11 enforce an obligation for the support of a child; or  
12     (b) Are in arrears in the payment for the support of one or more  
13 children,  
14     ↪ are repealed by the Congress of the United States.

