

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 2 \*

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 meets  
14 the age requirement for that certificate, submits an application that includes a  
15 description of the person's experience as a fire performer or apprentice fire  
16 performer and all safety precautions used by the applicant while acting as a fire  
17 performer or apprentice fire performer, and pays an application fee prescribed by  
18 regulations adopted by the State Fire Marshal. **Section 5** also provides for the  
19 renewal of each such certificate.

20 **Section 6** of this bill prohibits an apprentice fire performer from acting as a fire  
21 performer unless the apprentice is directly supervised at all times by a registered  
22 fire performer who is at least 21 years of age. The person supervising must ensure  
23 that the apprentice fire performer safely handles and operates any equipment and  
24 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 in a*  
13 *venue authorized by permit of a governmental entity.*

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

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

20 (a) *Be a natural person and, if the application is:*

21 (1) *For a fire performer, be at least 21 years of age; or*  
22 (2) *For an apprentice fire performer, be at least 18 years of*  
23 *age;*

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

26 (c) *Submit to the State Fire Marshal a resume setting forth the*  
27 *experience of the applicant as a fire performer or apprentice fire*  
28 *performer and a description of all safety precautions used by the*



1 applicant while acting as a fire performer or apprentice fire  
2 performer; and

3 (d) Pay an application fee in an amount prescribed by  
4 regulations adopted by the State Fire Marshal.

5 3. The State Fire Marshal may:

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

9 (b) Renew a certificate of registration as a fire performer or  
10 apprentice fire performer to any person who applies for a renewal  
11 in a manner specified by the State Fire Marshal and pays a  
12 renewal fee in an amount prescribed by regulations adopted by the  
13 State Fire Marshal.

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

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

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

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

24 2. While an apprentice fire performer is acting as a fire  
25 performer, the fire performer who is directly supervising the  
26 apprentice fire performer shall ensure that the apprentice fire  
27 performer:

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

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

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

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

38 (b) Submit to the State Fire Marshal the statement prescribed  
39 by the Division of Welfare and Supportive Services of the  
40 Department of Health and Human Services pursuant to NRS  
41 425.520. The statement must be completed and signed by the  
42 applicant.

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



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

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

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

7 (a) *Fails to submit the statement required pursuant to*  
8 *subsection 1; or*

9 (b) *Indicates on the statement submitted pursuant to*  
10 *subsection 1 that the applicant is subject to a court order for the*  
11 *support of a child and is not in compliance with the order or a*  
12 *plan approved by the district attorney or other public agency*  
13 *enforcing the order for the repayment of the amount owed*  
14 *pursuant to the order.*

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

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

38 2. *The State Fire Marshal shall reinstate a certificate of*  
39 *registration as a fire performer or apprentice fire performer that*  
40 *has been suspended by a district court pursuant to NRS 425.540 if*  
41 *the State Fire Marshal receives a letter issued by the district*  
42 *attorney or other public agency pursuant to NRS 425.550 to the*  
43 *person whose certificate of registration was suspended stating that*  
44 *the person whose certificate of registration was suspended has*



1 *complied with the subpoena or warrant or has satisfied the*  
2 *arrearage pursuant to NRS 425.560.*

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

6 **Sec. 10.** 1. This act becomes effective upon passage and  
7 approval for the purpose of adopting regulations and on January 1,  
8 2012, for all other purposes.

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

14 (a) Have failed to comply with a subpoena or warrant relating to  
15 a proceeding to determine the paternity of a child or to establish or  
16 enforce an obligation for the support of a child; or

17 (b) Are in arrears in the payment for the support of one or more  
18 children,

19 ➤ are repealed by the Congress of the United States.

