

**State of California  
Office of Administrative Law**

**In re:**  
**Office of the State Fire Marshal**

**Regulatory Action:**

**Title 19, California Code of Regulations**

**Amend sections: 981.3 and 1066**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2023-0816-02**

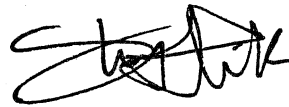
**OAL Matter Type: Regular Resubmittal (SR)**

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In this regular rulemaking, the Office of the State Fire Marshal is increasing fees for licenses and permits for the manufacture, wholesale, import, export, and sale of fireworks, pyrotechnic devices, model rockets and missiles, and emergency signaling devices.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 9/28/2023.

**Date:** September 28, 2023



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Steven J. Escobar  
Senior Attorney

**Original:** Daniel Berlant, Acting State Fire  
Marshal

**For:** Kenneth J. Pogue  
Director

**Copy:** Megan Lopes

# RESUBMITTAL

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-1025-04	REGULATORY ACTION NUMBER 2023-0816-02SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Office of the State Fire Marshal			AGENCY FILE NUMBER (if any)

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

SEP 28 2023

1:43 pm

OFFICE OF ADMIN. LAW  
2023 AUG 16 PM 3:22

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2022, 44-Z	PUBLICATION DATE 11/4/22

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fireworks Program Fee Increase	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0111-03S
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 981.3, 1066
TITLE(S) 19	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) July 7, 2023 through July 22, 2023	
5. EFFECTIVE DATE OF CHANGES (Gov. Code §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) <u>State Board of Fire Services aka "State Fire Advisory Board" pursuant to Health &amp; Saf. Code § 13143</u>	
7. CONTACT PERSON Megan Lopes	TELEPHONE NUMBER 916-584-2237
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) megan.lopes@fire.ca.gov

3. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 8/16/2023
TYPED NAME AND TITLE OF SIGNATORY Wendy Collins, Assistant State Fire Marshal	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

SEP 28 2023

Office of Administrative Law

Per agency's request: 10/9/2023

## TEXT OF REGULATIONS

**California Code of Regulations**  
**Title 19. Public Safety**  
**Division 1. State Fire Marshal**  
**Chapter 6. Fireworks**  
**Article 3. Licenses**

### § 981.3. License Fees.

(a) ~~Every license fee required in accordance with this section shall be paid by check or money order made payable to the paid entirely using one of the following forms of payment: in legal tender, credit card, electronic fund transfer, by money order, postal note, or valid check made payable to the "CAL FIRE – Office of State Fire Marshal". "CDF/State Fire Marshal."~~

(b) ~~Fees are non-refundable. Every required fee shall be paid at or mailed to the office location designated by the State Fire Marshal as follows:~~

(1) by mail to the Office of the State Fire Marshal Headquarters in Sacramento at CAL FIRE - Office of the State Fire Marshal, Cashiers Unit - Fireworks Program, P.O. Box 997446, Sacramento, CA 95899-7446, or

(2) submitted through the Office of the State Fire Marshal online electronic system.

(c) The original and annual renewal fee for a license shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year, except that the fee for a Retail License shall be for the period of noon on the 28th of June through noon on the 6th of July, of the same calendar year.

(d) The original and annual renewal fees shall be as follows:

(1)	Manufacturer	\$1500.00	\$2,320.00
(2)	Wholesaler	3000.00	\$4,635.00
(3)	Importer & Exporter	4500.00	\$6,950.00
(4)	Retailer	50.00	\$150.00
(5)	Public Display (special)	350.00	\$540.00
(6)	Public Display (limited)	200.00	\$310.00
(7)	Public Display (general)	1,500.00	\$2,320.00
(8)	Pyrotechnic Operator:		
	Unrestricted		\$1,000.00
	Basic Commercial	125.00	\$250.00

	Restricted Commercial	50.00 <u>\$100.00</u>
	Rockets, 1st Class	<u>\$50.00</u>
	Rockets, 2nd Class	<u>\$50.00</u>
	Rockets, 3rd Class	<u>\$50.00</u>
	Special Effects, 1st Class	250.00 <u>\$500.00</u>
	Special Effects, 2nd Class	200.00 <u>\$400.00</u>
	Special Effects, 3rd Class	100.00 <u>\$200.00</u>
	Theatrical	200.00 <u>\$400.00</u>
	Theatrical Trainee	100.00 <u>\$200.00</u>
	Performer	125.00 <u>\$250.00</u>
(9)	Manufacture, import, export, or wholesale, or any combination thereof; agricultural and wildlife fireworks	500.00 <u>\$775.00</u>
(10)	Manufacture, import, export, or wholesale, or any combination thereof; model rocket motors	500.00 <u>\$775.00</u>
(11)	Registration or classification fee for each model of emergency signaling device	50.00 <u>\$250.00</u>
(12)	Party Popper/Snap Cap Distributor Permit	750.00 <u>\$1,160.00</u>
(13)	Manufacture, import, export, wholesale, or any combination thereof high power or experimental high power rockets and motors	1500.00 <u>\$2,320.00</u>
(14)	Retailer (high power rocket)	500.00 <u>\$775.00</u>

(e) The original registration and classification fees shall be as follows:

- (1) Original registration and classification fee for each model of model rocket motor, high power rocket or motor, safe and sane, party popper,/-snap caps/snappers, agricultural/wildlife, or exempt fireworks ~~50.00~~ \$250.00

(f) For applicants of a pyrotechnic operators license, a Request for Live Scan Service from the Department of Justice, as provided by the OSFM shall also be completed. The applicant is responsible for any fees necessary for the completion of this form.

(g) Per Health and Safety Code section 12636, a \$5 fee shall be charged to maintain the Fingerprint Background Check record furnished by Department of Justice in addition to the fee prescribed in Section 981.3(e).

(fh) Required fees shall be submitted jointly with the appropriate application. Such Fees are non-refundable, once the license has been issued.

(i) Replacement permit or license (issued only if the original is lost or destroyed) is \$25.00.

(j) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b) is \$30.00.

Note: Authority cited: Sections 12552, 12607, and 12631-, 12632, 12633, and 12636, Health and Safety Code; Section 11105(e), Penal Code; and Section 6157(b), Government Code. Reference: Sections 12552, 12607, and 12630-12633, and 12636, Health and Safety Code; Section 11105(e), Penal Code; and Section 6157(b), Government Code.

**California Code of Regulations**  
**Title 19. Public Safety**  
**Division 1. State Fire Marshal**  
**Chapter 6.5. Flamethrowing Devices**  
**Article 8. Fees**

**§ 1066. General.**

(a) The original and annual renewal fee for a permit shall be for the fiscal year or portion thereof beginning July 1 and ending June 30 of the following year.

(b) Every permit fee required in accordance with these regulations shall be paid ~~by check or money order~~ in legal tender, credit card, electronic fund transfer, by money order, postal note, or valid check made payable to the "CAL FIRE – Office of the State Fire Marshal": made payable to the "CDF State Fire Marshal."

(1) by mail to the Office of the State Fire Marshal Headquarters in Sacramento at CAL FIRE – Office of the State Fire Marshal, Cashiers Unit – Fireworks Program, P.O. Box 997446, Sacramento, CA 95899-7446, or

(2) submitted through the Office of the State Fire Marshal online electronic system.

(c) Required fees shall be submitted jointly with the appropriate application. ~~Such fees are non-refundable.~~

(d) Fees are as follows:

(1) Flamethrowing Device Permit Original or Annual renewal ~~\$425~~\$650.00

(2) Replacement permit (issued only if the original is lost or destroyed) \$25.00

(e) Service fee for a returned or dishonored check pursuant to Government Code, Section 6157(b) is \$30.00.

Note: Authority cited: Section 12756, Health and Safety Code; and Section 6157(b), Government Code. Reference: Section 12756, Health and Safety Code.