

OSFM 1-2008 (TEMP)

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

1-25

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on January 25, 2008 by the
Date prior to or same as filing date

Oregon State Police, Office of State Fire Marshal 837
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective January 25, 2008 through July 3, 2008
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

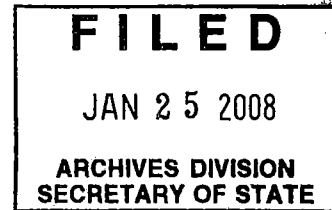
Change the permit application postmark date from December 1 to December 18
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: OAR 837-012-0520



SUSPEND:

ORS 476.030 and 480.110 through 480.165
Stat. Auth. Other Authority

ORS 480.110 through 480.165
Stats. Implemented

RULE SUMMARY

Amend OAR 837-012-0520, subsection (13), to amend the permit application postmark date from December 1 to December 18 of the year preceding the year for which the wholesale permit is sought.

Also a typographical error is being corrected.

Pat Carroll
Authorized Signer

Pat Carroll 1-22-08
Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon State Police, Office of State Fire Marshal
Agency and Division

837
Administrative Rules Chapter Number

In the Matter of: Amending OAR Chapter 837, Division 12, Relating to Wholesale Permits

Rule Caption: Change the permit application postmark date from December 1 to December 18.

Statutory Authority: ORS 476.030 and 480.110 through 480.165

Other Authority:

Stats. Implemented: ORS 480.110 through 480.165

Need for the Temporary Rule(s):

Changes to OAR 837-012-0520 are being made as a result of an administrative rule review by Legislative Counsel. They have determined the postmark due date of December 1 was not consistent with the statute requirements.

Documents Relied Upon, and where they are available: ORS 480.110 through 480.165

Justification of Temporary Rule(s):

Rules are being amended as a result of an administrative rule review by Legislative Counsel.


Authorized Signer

Pat Carroll
Printed name

1-22-08
Date

837-012-0520

Wholesale Permit Applications

- (1) Any In-State Wholesaler engaged in, or intending to engage in, the sale, provision, or shipment of Fireworks, Retail Fireworks, Public Display Fireworks, or Agricultural Fireworks, within Oregon, or from Oregon for delivery into another state, shall first apply for and obtain a Wholesale Permit issued by the Office of State Fire Marshal.
- (2) Any Out-of-State Wholesaler engaged in, or intending to engage in, the sale, provision, or shipment of Fireworks, Retail Fireworks, Public Display Fireworks, or Agricultural Fireworks, in or into Oregon shall first apply for and obtain a Wholesale Permit issued by the Office of State Fire Marshal.
- (3) A separate Wholesale Permit shall be applied for and obtained for each Wholesale Site that may conduct Wholesale Operations within, from, or into Oregon.
- (4) The application for a Wholesale Permit shall be made on a form provided by the Office of State Fire Marshal.
- (5) All information provided by the applicant on the Permit Application shall be true and correct to the applicant's knowledge.
- (6) In addition to completion of the Wholesale Permit application forms, applicants shall submit:
 - (a) A copy of a current photographic identification card of the applicant(s). The Office of State Fire Marshal shall accept only photo identification issued by the Department of Motor Vehicles in the applicant's state of residency. For purposes of this rule, if the applicant is a corporation, the applicant shall submit copies of photographic identification of all the corporate officers. If the applicant is a partnership, the applicant shall submit copies of the photographic identification of all partners.
 - (b) A description of the types, pursuant to United States Department of Transportation classification, and the maximum quantities, by total gross weight, of Fireworks, Retail Fireworks, Public Display Fireworks, or Agricultural Fireworks to be stored at the Wholesale Site for which a Wholesale Permit has been applied.
- (7) As part of the Permit Application process, the applicant shall obtain the approval of the Local Fire Authority and the local building official prior to submitting their application to the Office of State Fire Marshal.
- (8) Exception to 837-012-0520(7). If the applicant's Wholesale Site address was continuous during the year preceding the year for which the Wholesale Permit renewal is sought, the applicant is required only to re-submit to the Office of State Fire Marshal, as part of the Wholesale Permit renewal application, the approval of the Local Fire Authority.

(9) As part of the Permit Application, Wholesale Permit applicants who intend to Sell or provide 1.3G Fireworks shall submit to the Office of State Fire Marshal a copy of their appropriate license issued by BATFE.

(10) Applicants shall submit the completed Permit Application to the Local Fire Authority for review and signature approving the Wholesale Site prior to submission of the Permit Application to the Office of State Fire Marshal.

(11) Permit Applications shall be signed by the applicant(s).

(a) If the applicant is a partnership, the application shall be signed by every partner.

(b) If the applicant is a corporation, the application shall be signed by an officer of the corporation.

(c) If the applicant is an Out-of-State Wholesaler, the application shall be signed by the applicant and the Manager.

(12) Permit Applications shall not be submitted to the Office of State Fire Marshal prior to October 1 of the year preceding the year for which the Wholesale Permit is sought.

(13) Permit Applications shall be postmarked by a United States Postmark, or received at the Office of State Fire Marshal, no later than December [±] **18** of the year [~~preceeding~~] **preceding** the year for which the Wholesale Permit is sought. If December [±] **18** falls on a day when a postmark cannot be obtained, applications shall be postmarked on the preceding business day when a postmark can be obtained. If December [±] **18** falls on a day when the Office of State Fire Marshal is closed, and the applicant wishes to hand deliver their application, it shall be delivered to the Office of State Fire Marshal at the Salem office on the preceding business day. **However, due to limited resources in the fireworks program, it is recommended that wholesale fireworks permit applications be postmarked or submitted to the OSFM by December 1 of the year preceding the year for which the permit is sought.**

(14) Relocation of the Wholesale Site shall require submission of a new Permit Application and Wholesale Permit fee.

(15) Only one Wholesale Permit shall be applied for or issued for each Wholesale Site.

Stat. Auth.: ORS 476, 478 & 480

Stats. Implemented: ORS 480.110 - 480.165