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STATUTORY MINOR CORRECTION

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CHAPTER 837

DEPARTMENT OF THE STATE FIRE MARSHAL

FILED

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& LEGISLATIVE COUNSEL

FILING CAPTION: Updating agency name to the Department of the State Fire Marshal

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing the name of an agency by reason of a name change prescribed by law

AMEND: 837-012-0525

RULE TITLE: Wholesale Permits

RULE SUMMARY: Updating the agency name from the Office of State Fire Marshal to the Department of the State Fire Marshal.

RULE TEXT:

- (1) Within 30 days of receipt of a properly completed and timely submitted permit application and wholesale permit fee, the Department of the State Fire Marshal must issue or propose to deny the wholesale permit.
- (2) The Department of the State Fire Marshal may not approve a permit application or issue a wholesale permit without the prior approval of the local fire authority.
- (3) The Department of the State Fire Marshal will assign a unique number to each wholesale permit issued.
- (4) The Department of the State Fire Marshal will mail the original wholesale permit to the applicant at the mailing address listed on the permit application.
- (5) Wholesale permit holders may request a duplicate copy of their permit by certifying to the Department of the State Fire Marshal, in writing, that their permit has been lost, stolen or destroyed. Written requests must be signed and dated by the applicant pursuant to OAR 837-012-0520(12).
- (6) The issuance of a wholesale permit does not in any way constitute approval by the Department of the State Fire Marshal of any fireworks, retail fireworks, display fireworks, or pest control fireworks purchased, sold or provided by any other means pursuant to the permit.
- (7) A wholesale permit allows the holder of the permit to engage in the purchase, transportation, possession, storage and sales of fireworks, retail fireworks, display fireworks, or pest control fireworks, when those activities are otherwise in conformance with applicable requirements of ORS 480.111 through 480.165, OAR chapter 837, division 12, and any other applicable federal, state and local laws, rules and regulations pertaining to Fireworks.
- (8) A wholesale permit authorizes the holder of the permit to sell or provide by any other means, fireworks, retail fireworks, display fireworks, or pest control fireworks, within or into Oregon, only to holders of:
 - (a) General, limited, or special effects display permits;
 - (b) Retail permits;

(c) Wholesale permits; or

(d) Pest control permits.

(9) A wholesale permit does not authorize the sale or provision by any other means, of fireworks, retail fireworks, display fireworks, or pest control fireworks to individual members of the general public.

(10) The wholesale permit and permit number issued by the Department of the State Fire Marshal are valid from January 1 to December 31 of the year for which they are issued. All wholesale permit and permit numbers expire on December 31 of the year in which they are valid. A wholesale permit holder may be issued the same permit number every year if the permit holder applies for and obtains a wholesale permit in consecutive years.

(11) The wholesale permit is not transferable to another person nor can another person perform any activities authorized by the wholesale permit unless that person listed in the permit application.

(12) Only the wholesale permit holder and the employees of the wholesale permit holder may engage in wholesale operations authorized by the wholesale permit.

(13) The wholesale permit holder's name, mailing address and wholesale permit number must be imprinted or affixed by the wholesale permit holder to:

(a) All sales forms, orders, invoices, inventory sheets and any other similar or related documents issued, used or completed by the wholesale permit holder in conducting its wholesale operations; and

(b) The outside of all cartons, containers, or cases of fireworks, retail fireworks, display fireworks, or pest control fireworks being shipped, transported, or otherwise provided by the wholesale permit holder.

(c) Care should be taken to ensure any other required labeling is not obscured when marking items required by 837-012-0525(13) (a) and (b).

(14) All shipments by a wholesale permit holder of fireworks, retail fireworks, display fireworks, or pest control fireworks must show on the outside of each cartons, containers, or cases, sales forms, orders, invoices, inventory sheets and any other similar or related documents issued, used or completed by the wholesale permit holder the full name and permit number of the permit holder to whom the fireworks, retail fireworks, display fireworks, or pest control fireworks are being provided.

(a) If fireworks, retail fireworks, display fireworks, or pest control fireworks are being shipped, transported or otherwise provided in or into Oregon, the shipment must show an Department of the State Fire Marshal-issued permit number.

(b) If the fireworks, retail fireworks, display fireworks, or pest control fireworks are being shipped, transported or otherwise provided from Oregon for delivery into another state, the shipment must show the appropriate license or permit number, if the person to whom the fireworks, retail fireworks, display fireworks, or pest control fireworks are being provided is required under the laws of the other state to possess a license or permit.

(c) Care should be taken to ensure any other required labeling is not obscured when marking items required by 837-012-0525(14) (a) and (b).

STATUTORY/OTHER AUTHORITY: ORS 476, 478, 480

STATUTES/OTHER IMPLEMENTED: