

Changes to the Public Display Operator's Test for 2021

Please note the following changes prior to taking the test.

- The test is OPEN BOOK
 - You are allowed to bring printed copies of code books with you
 - Electronic copies of the codes are not permitted to be used
- The test is based solely on National Fire Protection Association (NFPA) codes
 - Title 157, Chapter 3 is not used for the test
 - The following documents can be used during the test: NFPA 1123, 2010 ed. NFPA 1124, 2006 ed. and state statute 28-1241
 - NFPA codes can be purchased at www.nfpa.org
 - NFPA codes can be viewed for free [HERE](#)
- You are NOT required to take the test now unless your license is expiring

State statute 28-1241.

28-1241. Fireworks; definitions.

As used in sections 28-1239.01 and 28-1241 to 28-1252, unless the context otherwise requires:

- (1) Distributor means any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or as a retailer or both;
- (2) Jobber means any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail;
- (3) Retailer means any person engaged in the business of making sales of fireworks at retail to consumers or to persons other than distributors or jobbers;
- (4) Sale includes barter, exchange, or gift or offer therefor and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee;
- (5) Fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of consumer or special fireworks set forth by the United States Department of Transportation in Title 49 of the Code of Federal Regulations;
- (6)(a) Consumer fireworks means any of the following devices that (i) meet the requirements set forth in 16 C.F.R. parts 1500 and 1507, as such regulations existed on January 1, 2010, and (ii) are tested and approved by a nationally recognized testing facility or by the State Fire Marshal:
 - (A) Any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission set forth in 16 C.F.R., as such regulations existed on January 1, 2010;
 - (B) Any small device designed to produce audible effects such as a whistling device;
 - (C) Any ground device or firecracker containing fifty milligrams or less of explosive composition; or
 - (D) Any aerial device containing one hundred thirty milligrams or less of explosive composition.
- (b) Class C explosives as classified by the United States Department of Transportation shall be considered consumer fireworks.
- (c) Consumer fireworks does not include:
 - (i) Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
 - (ii) Wire sparklers, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
 - (iii) Nighttime parachutes;
 - (iv) Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;
 - (v) Firecrackers that contain more than fifty milligrams of explosive composition; and
 - (vi) Fireworks that have been tested by the State Fire Marshal as a response to complaints and have been deemed to be unsafe; and
- (7) Display fireworks means those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration, or detonation. Display fireworks includes, but is not limited to, firecrackers containing more than one hundred thirty milligrams of explosive composition, aerial shells containing more than forty grams of explosive composition, and other display pieces which exceed the limits for classification as consumer fireworks. Class B explosives, also known as 1.3G explosives, as classified by the United States Department of Transportation in 49 C.F.R. 172.101, as such regulation existed on January 1, 2010, shall be considered display fireworks. Display fireworks shall be considered an explosive as defined in section 28-1213 and shall be subject to sections 28-1213 to 28-1239, except that display fireworks may be purchased, received, and discharged by the holder of an approved display permit issued pursuant to section 28-1239.01.