

HOUSE BILL No. 5203

December 17, 2015, Introduced by Reps. Howrylak, Heise, McCready, Hooker, Schor, Yanez, Faris, Lane, Chirkun, Phelps, Derek Miller, Plawecki, Aaron Miller and Price and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending sections 7 and 12 (MCL 28.457 and 28.462), as amended by 2013 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Except as provided in this act, a local unit of
2 government shall not enact or enforce an ordinance, code, or
3 regulation pertaining to or in any manner regulating the sale,
4 display, storage, transportation, or distribution of fireworks
5 regulated under this act.

6 (2) A local unit of government may enact an ordinance
7 regulating the ignition, discharge, and use of consumer fireworks,
8 including, but not limited to, an ordinance prescribing the hours
9 of the day or night during which a person may ignite, discharge, or
10 use consumer fireworks. ~~If~~ **SUBJECT TO SUBSECTIONS (4) AND (5)**, a

1 local unit of government **THAT** enacts an ordinance under this
2 subsection, ~~the ordinance shall not regulate the ignition,~~
3 discharge, or use of consumer fireworks on the day preceding, the
4 day of, or the day after a ~~national holiday~~ **INDEPENDENCE DAY AND**
5 **NEW YEAR'S DAY** except as follows:

6 ~~— (a) A **THAT A** local unit of government with a population of~~
7 ~~50,000 or more or a local unit of government located in a county~~
8 ~~with a population of 750,000 or more may regulate the ignition,~~
9 discharge, or use of consumer fireworks between the hours of 12
10 midnight and ~~8-10 a.m. or between the hours of 1 a.m. and 8 a.m. on~~
11 ~~New Year's day.~~

12 ~~— (b) A local unit of government with a population of less than~~
13 ~~50,000 located in a county with a population of less than 750,000~~
14 ~~may regulate the ignition, discharge, or use of consumer fireworks~~
15 ~~between the hours of 1 a.m. and 8 a.m.~~

16 (3) ~~An~~ **A LOCAL UNIT OF GOVERNMENT THAT ENACTS AN** ordinance
17 under subsection (2) shall only impose a civil fine of not more
18 than ~~\$500.00~~ **\$1,000.00** for each violation of the ordinance and no
19 other fine or sanction.

20 (4) **THIS ACT DOES NOT LIMIT A LOCAL UNIT OF GOVERNMENT'S**
21 **REGULATION OF NOISE LEVELS.**

22 (5) **THIS ACT DOES NOT LIMIT A LOCAL UNIT OF GOVERNMENT'S POWER**
23 **TO ENACT A ZONING ORDINANCE UNDER THE MICHIGAN ZONING ENABLING ACT,**
24 **2006 PA 110, MCL 125.3101 TO 125.3702.**

25 Sec. 12. (1) A person shall not ignite, discharge, or use
26 consumer fireworks on public property, school property, church
27 property, or the property of another person without that

1 organization's or person's express permission to use those **CONSUMER**
2 fireworks on those premises. Except as otherwise provided in this
3 section, a person that violates this subsection is responsible for
4 a state civil infraction and may be ordered to pay a civil fine of
5 not more than \$500.00.

6 (2) ~~Consumer~~ **A PERSON SHALL NOT SELL OR PROVIDE CONSUMER**
7 fireworks ~~shall not be sold~~ to a minor. A person that violates this
8 subsection shall be ordered to pay a civil fine of not more than
9 \$500.00, or, for a second or subsequent violation of this
10 subsection, a civil fine of not more than \$1,000.00. In addition,
11 the person's consumer fireworks certificate shall be suspended for
12 90 days after the civil fine is ordered for a second or subsequent
13 violation. This age requirement shall be verified by any of the
14 following:

15 (a) An operator's or chauffeur's license issued under the
16 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

17 (b) An official state personal identification card issued
18 under 1972 PA 222, MCL 28.291 to 28.300.

19 (c) An enhanced driver license or enhanced official state
20 personal identification card issued under the enhanced driver
21 license and enhanced official state personal identification card
22 act, 2008 PA 23, MCL 28.301 to 28.308.

23 (d) A military identification card.

24 (e) A passport.

25 (f) Any other bona fide photograph identification that
26 establishes the identity and age of the individual.

27 (3) An individual shall not discharge, ignite, or use consumer

1 fireworks or low-impact fireworks while under the influence of
2 alcoholic liquor, a controlled substance, or a combination of
3 alcoholic liquor and a controlled substance. As used in this
4 subsection:

5 (a) "Alcoholic liquor" means that term as defined in section
6 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

7 (b) "Controlled substance" means that term as defined in
8 section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

9 (4) An individual who violates the smoking prohibition under
10 NFPA 1124, 7.3.11.1 is guilty of a misdemeanor punishable by
11 imprisonment for not more than 1 year or a fine of not more than
12 \$1,000.00, or both.

13 (5) Signage stating the smoking prohibition described in
14 subsection (4) satisfies the requirements of NFPA 1124.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.