

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5939**

A bill to amend 2011 PA 256, entitled  
"Michigan fireworks safety act,"  
by amending sections 2, 4, 5, 6, 8, 10, 11, 12, 14, 15, 16, 17,  
17a, 18a, 18b, and 18c (MCL 28.452, 28.454, 28.455, 28.456, 28.458,  
28.460, 28.461, 28.462, 28.464, 28.465, 28.466, 28.467, 28.467a,  
28.468a, 28.468b, and 28.468c), sections 2, 8, and 17 as amended  
and sections 17a, 18b, and 18c as added by 2012 PA 257, sections 4,  
5, 10, 12, and 18a as amended by 2013 PA 65, and section 11 as  
amended by 2017 PA 145; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 2. As used in this act:
- 2           (a) "Agricultural and wildlife fireworks" means fireworks
- 3 devices distributed to farmers, ranchers, and growers through a
- 4 wildlife management program administered by the United States

1 ~~department~~ **DEPARTMENT** of the ~~interior~~ **INTERIOR** or the department of  
2 natural resources of this state.

3 (b) "APA ~~standard~~ **STANDARD** 87-1" means 2001 ~~APA standard~~ **THE**  
4 **"APA STANDARD** 87-1, ~~standard~~ **STANDARD** for ~~construction~~ **CONSTRUCTION**  
5 and ~~approval~~ **APPROVAL** for ~~transportation~~ **TRANSPORTATION** of  
6 ~~fireworks, novelties, and theatrical pyrotechnics,~~ **FIREWORKS,**  
7 **NOVELTIES, AND THEATRICAL PYROTECHNICS", 2001 EDITION,** published by  
8 the American ~~pyrotechnics association~~ **PYROTECHNICS ASSOCIATION** of  
9 Bethesda, Maryland.

10 (c) "Articles pyrotechnic" means pyrotechnic devices for  
11 professional use that are similar to consumer fireworks in chemical  
12 composition and construction but not intended for consumer use,  
13 that meet the weight limits for consumer fireworks but are not  
14 labeled as such, and that are classified as UN0431 or UN0432 under  
15 49 CFR 172.101.

16 (d) "Citation" means that term as described in section 17a.

17 (e) "Commercial manufacturer" means a person engaged in the  
18 manufacture of consumer fireworks.

19 (f) "Consumer fireworks" means fireworks devices that are  
20 designed to produce visible effects by combustion, that are  
21 required to comply with the construction, chemical composition, and  
22 labeling regulations promulgated by the United States ~~consumer~~  
23 ~~product safety commission~~ **CONSUMER PRODUCT SAFETY COMMISSION** under  
24 16 CFR parts 1500 and 1507, and that are listed in APA ~~standard~~  
25 **STANDARD** 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not  
26 include low-impact fireworks.

27 (g) "Consumer fireworks certificate" means a certificate

1 issued under section 4.

2 (h) "Department" means the department of licensing and  
3 regulatory affairs.

4 (i) "Display fireworks" means large fireworks devices that are  
5 explosive materials intended for use in fireworks displays and  
6 designed to produce visible or audible effects by combustion,  
7 deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR  
8 172, and APA ~~standard~~ **STANDARD** 87-1, 4.1.

9 (j) "Firework" or "fireworks" means any composition or device,  
10 except for a starting pistol, a flare gun, or a flare, designed for  
11 the purpose of producing a visible or audible effect by combustion,  
12 deflagration, or detonation. Fireworks consist of consumer  
13 fireworks, low-impact fireworks, articles pyrotechnic, display  
14 fireworks, **HOMEMADE FIREWORKS**, and special effects.

15 (k) "Fireworks safety fund" means the fireworks safety fund  
16 created in section 11.

17 **(l) "HOMEMADE FIREWORKS" MEANS ANY COMPOSITION OR DEVICE**  
18 **DESIGNED FOR THE PURPOSE OF PRODUCING A VISIBLE OR AUDIBLE EFFECT**  
19 **BY COMBUSTION, DEFLAGRATION, OR DETONATION THAT IS NOT PRODUCED BY**  
20 **A COMMERCIAL MANUFACTURER AND DOES NOT COMPLY WITH THE**  
21 **CONSTRUCTION, CHEMICAL COMPOSITION, AND LABELING REGULATIONS OF THE**  
22 **UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION UNDER 16 CFR PARTS**  
23 **1500 AND 1507.**

24 **(M) ~~(l)~~** "Local unit of government" means a city, village, or  
25 township.

26 **(N) ~~(m)~~** "Low-impact fireworks" means ground and handheld  
27 sparkling devices as that phrase is defined under APA ~~standard~~

1 **STANDARD** 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

2 (O) ~~(n)~~ "Minor" means an individual who is less than 18 years  
3 of age.

4 (P) ~~(e)~~ "NFPA" means the ~~national fire protection association~~  
5 **NATIONAL FIRE PROTECTION ASSOCIATION** headquartered at 1  
6 Batterymarch Park, Quincy, Massachusetts.

7 (Q) ~~(p)~~ "NFPA 1" means the ~~uniform fire code,~~ "**UNIFORM FIRE**  
8 **CODE**", 2006 edition, developed by NFPA.

9 (R) ~~(q)~~ "NFPA 72" means the "National Fire Alarm Code", 2002  
10 edition, developed by NFPA.

11 (S) ~~(r)~~ "NFPA 101" means the "Life Safety Code", 2009 edition,  
12 developed by NFPA.

13 (T) ~~(s)~~ "NFPA 1123" means the "Code for Fireworks Display",  
14 2010 edition, developed by NFPA.

15 (U) ~~(t)~~ "NFPA 1124" means the "Code for the Manufacture,  
16 Transportation, Storage, and Retail Sales of Fireworks and  
17 Pyrotechnic Articles", 2006 edition, developed by NFPA.

18 (V) ~~(u)~~ "NFPA 1126" means the "Standard for the Use of  
19 Pyrotechnics Before a Proximate Audience", 2011 edition, developed  
20 by NFPA.

21 (W) ~~(v)~~ "Novelties" means that term as defined under APA  
22 ~~standard~~ **STANDARD** 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5  
23 and all of the following:

24 (i) Toy plastic or paper caps for toy pistols in sheets,  
25 strips, rolls, or individual caps containing not more than .25 of a  
26 grain of explosive content per cap, in packages labeled to indicate  
27 the maximum explosive content per cap.

1           (ii) Toy pistols, toy cannons, toy canes, toy trick  
2 noisemakers, and toy guns in which toy caps as described in  
3 subparagraph (i) are used, that are constructed so that the hand  
4 cannot come in contact with the cap when in place for the  
5 explosion, and that are not designed to break apart or be separated  
6 so as to form a missile by the explosion.

7           (iii) Flitter sparklers in paper tubes not exceeding 1/8 inch  
8 in diameter.

9           (iv) Toy snakes not containing mercury, if packed in cardboard  
10 boxes with not more than 12 pieces per box for retail sale and if  
11 the manufacturer's name and the quantity contained in each box are  
12 printed on the box, ~~+~~and toy smoke devices.

13           **(X)** ~~(w)~~—"Permanent building or structure" is a building or  
14 structure that is affixed to a foundation on a site that has fixed  
15 utility connections and that is intended to remain on the site for  
16 more than 180 consecutive calendar days.

17           **(Y)** ~~(x)~~—"Person" means an individual, agent, association,  
18 charitable organization, company, limited liability company,  
19 corporation, labor organization, legal representative, partnership,  
20 unincorporated organization, or any other legal or commercial  
21 entity.

22           **(Z)** ~~(y)~~—"Retailer" means a person ~~who~~**THAT** sells consumer  
23 fireworks or low-impact fireworks for resale to an individual for  
24 ultimate use.

25           **(AA)** ~~(z)~~—"Retail location" means a facility listed under NFPA  
26 1124, 7.1.2.

27           **(BB)** ~~(aa)~~—"Rule" means **A RULE, AS** that term ~~as~~**IS** defined in

1 section 7 of the administrative procedures act of 1969, 1969 PA  
2 306, MCL 24.207, ~~that was~~ promulgated by the department.

3 (CC) ~~(bb)~~ "Serious impairment of a body function" means that  
4 term as defined in section 58c of the Michigan vehicle code, 1949  
5 PA 300, MCL 257.58c.

6 (DD) ~~(ee)~~ "Serious violation" means a violation of this act,  
7 an order issued under this act, or a rule promulgated or adopted by  
8 reference under this act for which a substantial probability exists  
9 that death or serious impairment of a body function to ~~a person~~ **AN**  
10 **INDIVIDUAL** other than the violator may result unless the violator  
11 did not and could not, with the exercise of reasonable diligence,  
12 know of the presence of the violation.

13 (EE) ~~(dd)~~ "Special effects" means a combination of chemical  
14 elements or chemical compounds capable of burning independently of  
15 the oxygen of the atmosphere and designed and intended to produce  
16 an audible, visual, mechanical, or thermal effect as an integral  
17 part of a motion picture, radio, television, theatrical, or opera  
18 production or live entertainment.

19 (FF) ~~(ee)~~ "State fire marshal" means the state fire marshal  
20 appointed under section 1b of the fire prevention code, 1941 PA  
21 207, MCL 29.1b.

22 (GG) ~~(ff)~~ "Warehouse" means a permanent building or structure  
23 used primarily for the storage of consumer fireworks or low-impact  
24 fireworks.

25 (HH) ~~(gg)~~ "Wholesaler" means ~~any~~ **A** person ~~who~~ **THAT** sells  
26 consumer fireworks or low-impact fireworks to a retailer or any  
27 other person for resale. Wholesaler does not include a person ~~who~~

1 **THAT** sells only display fireworks or special effects.

2 Sec. 4. (1) A person shall not sell consumer fireworks unless  
3 the person annually obtains and maintains a consumer fireworks  
4 certificate from the department under this section.

5 (2) A person ~~who knows, or should know, that he or she is~~  
6 ~~required to comply with this subsection and who~~ **THAT** fails or  
7 neglects to ~~do so~~ **COMPLY WITH SUBSECTION (1)** is ~~guilty of a~~  
8 ~~misdemeanor punishable by imprisonment for not more than 2 years or~~  
9 ~~a fine, or both, with the fine as follows:~~ **RESPONSIBLE FOR A CIVIL**  
10 **FINE AS FOLLOWS:**

11 (a) For a first violation, ~~of this subsection,~~ not more than  
12 \$5,000.00. **THE DEPARTMENT SHALL DETERMINE THE AMOUNT OF THE FINE**  
13 **IMPOSED UNDER THIS SUBDIVISION BY APPLYING A SCALE, AS DEVELOPED BY**  
14 **THE DEPARTMENT, THAT REFLECTS THE SEVERITY OF THE VIOLATION.**

15 (b) For a second violation, ~~of this subsection,~~ not more than  
16 \$20,000.00.

17 (c) For a third or subsequent violation, ~~of this subsection,~~  
18 not more than \$40,000.00.

19 (3) ~~(2) An application~~ **APPLICANT** for a consumer fireworks  
20 certificate shall ~~meet~~ **DO** all of the following: ~~requirements:~~

21 (a) ~~The application shall be submitted~~ **SUBMIT AN APPLICATION**  
22 no later than April 1 of each year in which **THE APPLICANT WILL SELL**  
23 consumer fireworks. ~~are to be sold.~~

24 (b) ~~The application shall list~~ **INCLUDE ON THE APPLICATION** the  
25 name and address of each retail location from which **THE APPLICANT**  
26 **WILL SELL** consumer fireworks. ~~are to be sold.~~

27 (c) ~~The application shall be accompanied by a~~ **SUBMIT WITH THE**

1 APPLICATION ALL OF THE FOLLOWING, AS APPLICABLE:

2 (i) A NONREFUNDABLE CONSUMER FIREWORKS CERTIFICATE fee of  
3 ~~\$1,000.00~~ **\$1,250.00** for a ~~certificate for each~~ retail location that  
4 is a permanent building or structure or ~~\$600.00~~ **\$1,000.00** for each  
5 retail location that is not a permanent building or structure. ~~The~~  
6 ~~fireworks certificate fee required to be paid for a retail location~~  
7 ~~that is not a permanent building or structure shall not exceed 60%~~  
8 ~~of the fireworks certificate fee for a retail location that is a~~  
9 ~~permanent building or structure.~~ **IF THE APPLICATION INCLUDES 10 OR**  
10 **MORE RETAIL LOCATIONS THAT ARE NOT PERMANENT BUILDINGS OR**  
11 **STRUCTURES, THE FEE DESCRIBED IN THIS SUBDIVISION SHALL BE \$700.00**  
12 **FOR EACH OF THOSE LOCATIONS.**

13 (ii) FOR AN APPLICANT WHO APPLIES FOR A CONSUMER FIREWORKS  
14 CERTIFICATE FOR A RETAIL LOCATION THAT IS NOT A PERMANENT BUILDING  
15 OR STRUCTURE AND WHO DOES NOT HOLD A CONSUMER FIREWORKS CERTIFICATE  
16 FOR A PERMANENT BUILDING OR STRUCTURE, A BOND IN THE AMOUNT OF  
17 \$5,000.00 TO SECURE THE COLLECTION OF ESTIMATED SALES TAX AND  
18 FIREWORKS SAFETY FEES.

19 (iii) ~~(d) The application shall be accompanied by a~~ **A** copy of  
20 the applicant's current sales tax license, including the  
21 applicant's account number, issued by the department of treasury  
22 for each retail location where **THE APPLICANT WILL SELL** consumer  
23 fireworks. ~~are to be sold by the applicant.~~

24 (iv) ANY OTHER DOCUMENT REQUIRED BY THE DEPARTMENT.

25 (4) THE DEPARTMENT SHALL NOT ISSUE AN INITIAL CONSUMER  
26 FIREWORKS CERTIFICATE TO AN APPLICANT UNTIL THE DEPARTMENT OF  
27 TREASURY HAS CONFIRMED TO THE DEPARTMENT THAT EACH SALES TAX



1 LICENSE SUBMITTED BY THE APPLICANT IS CURRENT AND VALID, AND THAT  
2 THE APPLICANT IS OTHERWISE ELIGIBLE TO OBTAIN A CONSUMER FIREWORKS  
3 CERTIFICATE UNDER THIS ACT.

4 (5) ~~(3)~~—A consumer fireworks certificate issued under this  
5 section is valid from the date of issue until April 30 of the year  
6 ~~after it was~~ **FOLLOWING THE YEAR IN WHICH IT IS** issued. A person may  
7 renew a consumer fireworks certificate for a retail location by  
8 making application ~~in the same manner as provided under subsection~~  
9 ~~(2). However, the~~ **ON A FORM PRESCRIBED BY THE DEPARTMENT CERTIFYING**  
10 **THAT ALL INFORMATION ON FILE WITH THE DEPARTMENT IS TRUE AND**  
11 **CORRECT, THAT THE PERSON'S SALES TAX LICENSE FOR THE RETAIL**  
12 **LOCATION IS CURRENT AND VALID, AND THAT THE PERSON HAS PROPERLY**  
13 **REMITTED ALL REQUIRED FIREWORKS SAFETY FEES FOR THE PRECEDING YEAR.**  
14 ~~THE~~ department ~~shall not issue a~~ **MAY DENY THE** renewal **OF A** consumer  
15 fireworks certificate ~~unless~~ **IF** the department determines that the  
16 applicant **DID NOT** properly ~~remitted~~ **REMIT** all of the **REQUIRED**  
17 fireworks safety fees ~~required to be paid in the preceding year.~~  
18 **FOR ALL PRECEDING YEARS, OR SALES TAX FOR ANY OF THE PRECEDING 5**  
19 **YEARS, DURING WHICH THE APPLICANT HELD A CONSUMER FIREWORKS**  
20 **CERTIFICATE.** The department shall provide to the department of  
21 treasury the sales tax license information received from the  
22 applicant and any additional information as may be necessary to  
23 allow the department of treasury to confirm that each sales tax  
24 license submitted by the applicant is current and valid. The  
25 department shall enter into an agreement with the department of  
26 treasury under section 28(1) of 1941 PA 122, MCL 205.28, that will  
27 allow the department of treasury to provide that information to the

1 department. ~~The department shall not issue an original or renewal~~  
2 ~~consumer fireworks certificate to an applicant until the department~~  
3 ~~of treasury has confirmed to the department that each sales tax~~  
4 ~~license submitted by the applicant is current and valid, and that~~  
5 ~~the applicant is otherwise eligible to obtain a consumer fireworks~~  
6 ~~certificate under this act.~~

7 (6) ~~(4)~~—Not more than 30 days after an application is ~~is~~ **AND ALL**  
8 **REQUIRED SUPPORTING DOCUMENTATION AND FEES ARE** submitted to the  
9 department under this section, the department shall issue ~~or deny~~  
10 ~~issuance of a consumer fireworks certificate to the applicant and,~~  
11 ~~if issuance is denied,~~ **OR DENY THE APPLICATION. IF THE DEPARTMENT**  
12 **DENIES THE APPLICATION, THE DEPARTMENT** shall indicate to the  
13 applicant the reason for denial.

14 (7) ~~(5)~~—If the department denies ~~issuance of~~ **AN APPLICATION**  
15 **FOR** a consumer fireworks certificate under this section, the  
16 applicant may cure any defect ~~of~~ **IN** the application within 45 days  
17 after the denial without paying an additional fee. The department  
18 shall not unreasonably delay or deny an application. ~~under this~~  
19 ~~section.~~

20 (8) ~~(6)~~—A consumer fireworks certificate is transferable upon  
21 approval by the department and the payment of a ~~\$25.00~~ **\$250.00**  
22 transfer fee. ~~However, the~~ **THE** department shall ~~not~~ approve the  
23 transfer of a consumer fireworks certificate unless the transferee  
24 ~~satisfies~~ **DOES NOT SATISFY THE** eligibility requirements for an  
25 original consumer fireworks certificate under this act. **THE**  
26 **DEPARTMENT SHALL NOT PROCESS A REQUEST FOR A TRANSFER OF LOCATION**  
27 **BETWEEN JUNE 1 AND JULY 31.**

1           (9) ~~(7)~~—The holder of a consumer fireworks certificate shall  
 2 prominently display the original **CERTIFICATE** or **A** copy of the  
 3 certificate in the appropriate ~~EACH~~ retail location **TO WHICH THE**  
 4 **CERTIFICATE APPLIES**. A person that violates this subsection is  
 5 responsible for a civil fine of ~~\$100.00~~. ~~Each day that the consumer~~  
 6 ~~fireworks certificate is not displayed as required under this~~  
 7 ~~subsection is a separate violation.~~**\$200.00**.

8           (10) ~~(8)~~—The department shall not issue a consumer fireworks  
 9 certificate to a ~~EITHER OF THE FOLLOWING~~:

10           (A) **A** person that is ineligible under this act.

11           (B) **A PERSON THAT HAS AN OUTSTANDING FINE ISSUED UNDER THIS**  
 12 **ACT NOT CURRENTLY UNDER APPEAL**.

13           (11) ~~(9)~~—The face of the consumer fireworks certificate shall  
 14 **MUST** indicate the location or address for which it was issued.

15           (12) ~~(10)~~—Fees collected under this section shall be deposited  
 16 in the fireworks safety fund.

17           Sec. 5. (1) ~~Consumer~~ **A PERSON SHALL NOT SELL CONSUMER**  
 18 fireworks ~~shall only be sold from a retail location if~~ **UNLESS** all  
 19 of the following ~~applicable~~ conditions are met:

20           (a) Except as provided in subdivision (b), a ~~THE~~ retail  
 21 location **AND ANY ADJACENT OR DIRECTLY ASSOCIATED RETAIL STORAGE**  
 22 satisfies the applicable requirements of NFPA 101 and NFPA 1124 **FOR**  
 23 **CONSUMER AND LOW-IMPACT FIREWORKS THAT ARE** not in conflict with  
 24 this act ~~,~~ and the Stille-DeRossett-Hale single state construction  
 25 code act, 1972 PA 230, MCL 125.1501 to 125.1531. ~~However, any~~ **ANY**  
 26 provision of the Stille-DeRossett-Hale single state construction  
 27 code act, 1972 PA 230, MCL 125.1501 to 125.1531, that is

1 inconsistent with the applicable requirements of NFPA 101 and NFPA  
2 1124 is superseded to the extent of the inconsistency or conflict.

3 (b) ~~Beginning January 1, 2013, IF THE RETAIL LOCATION IS~~ a  
4 permanent building or structure, ~~shall be THE BUILDING OR STRUCTURE~~  
5 **IS** equipped with a fire suppression system in compliance with NFPA  
6 1124. **BEGINNING ON THE EFFECTIVE DATE OF THE 2018 ACT THAT ADDED**  
7 **THIS SENTENCE AND NOTWITHSTANDING THE NFPA 1124 REQUIREMENTS**  
8 **REGARDING AUTOMATIC SPRINKLER SYSTEMS, IF THE RETAIL LOCATION IS IN**  
9 **A PERMANENT MULTITENANT BUILDING OR STRUCTURE, THE BUILDING OR**  
10 **STRUCTURE MUST BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM. THE**  
11 **REQUIREMENT FOR AN AUTOMATIC SPRINKLER SYSTEM DESCRIBED IN THIS**  
12 **SUBDIVISION DOES NOT APPLY TO THE RETAIL LOCATION OF A PERSON THAT**  
13 **HELD A CONSUMER FIREWORKS CERTIFICATE FOR A RETAIL LOCATION OF THE**  
14 **SAME ADDRESS IN A PERMANENT BUILDING OR STRUCTURE DURING THE**  
15 **CALENDAR YEAR BEFORE THE EFFECTIVE DATE OF THE 2018 ACT THAT ADDED**  
16 **THIS SENTENCE.**

17 (c) The retailer at that retail location is licensed under  
18 section 3 of the general sales tax act, 1933 PA 167, MCL 205.53.

19 (d) The retailer has a valid federal taxpayer identification  
20 number. ~~issued by the federal department of the treasury, internal~~  
21 ~~revenue service.~~ This requirement does not apply to a retailer that  
22 is a sole proprietorship.

23 (2) A person ~~that knows, or should know, that he or she is~~  
24 ~~required to comply with subsection (1) and who~~ **THAT** fails or  
25 neglects to ~~do so~~ **COMPLY WITH SUBSECTION (1)** is responsible for a  
26 civil fine of **NOT MORE THAN \$2,500.00** for each violation. **THE**  
27 **DEPARTMENT SHALL DETERMINE THE AMOUNT OF THE FINE IMPOSED UNDER**

1 THIS SUBSECTION BY APPLYING A SCALE, AS DEVELOPED BY THE  
2 DEPARTMENT, THAT REFLECTS THE SEVERITY OF THE VIOLATION. Each day  
3 that a person is in noncompliance ~~constitutes~~ **IS** a separate  
4 violation.

5 (3) During ~~periods when~~ **ANY PERIOD OF TIME IN WHICH A PERSON**  
6 **IS SELLING** consumer fireworks, ~~are sold, each retail location~~  
7 ~~selling consumer fireworks either shall be added~~ **THE PERSON SHALL**  
8 **ADD** as an additional insured, or **OBTAIN AND MAINTAIN** public  
9 liability and product liability insurance coverage ~~shall be~~  
10 ~~obtained and maintained,~~ **FOR, EACH RETAIL LOCATION AT WHICH THE**  
11 **PERSON IS SELLING CONSUMER FIREWORKS**, in an amount not less than  
12 \$10,000,000.00 per occurrence. ~~A person that knows, or should know,~~  
13 ~~that he or she is required to comply with this subsection and who~~  
14 ~~fails or neglects to do so is liable for~~ **IF THE DEPARTMENT**  
15 **DETERMINES THAT A PERSON HAS FAILED OR NEGLECTED TO COMPLY WITH**  
16 **THIS SUBSECTION, THE DEPARTMENT SHALL ORDER THE PERSON TO**  
17 **IMMEDIATELY CEASE OPERATIONS AND PAY** a civil fine of not more than  
18 \$5,000.00.

19 (4) **A RETAILER SHALL PROVIDE WITH EVERY PURCHASE OF CONSUMER**  
20 **FIREWORKS A NOTICE LISTING THE DATES AND TIMES PERMITTED UNDER THIS**  
21 **ACT FOR THE IGNITION, DISCHARGE, AND USE OF CONSUMER FIREWORKS. THE**  
22 **NOTICE SHALL BEGIN WITH THE FOLLOWING STATEMENT: "STATE LAW**  
23 **PERMITS, UNDER MCL 28.457, THE IGNITION, DISCHARGE, AND USE OF**  
24 **CONSUMER FIREWORKS AT THE FOLLOWING TIMES:". THE RETAILER MAY**  
25 **PROVIDE THE NOTICE IN A FORM AND MANNER DETERMINED BY THE RETAILER,**  
26 **INCLUDING, BUT NOT LIMITED TO, PRINTING OR STAMPING THE NOTICE ON,**  
27 **OR AFFIXING THE NOTICE TO, A RECEIPT, BAG, OR THE PRODUCT BEING**

1 PURCHASED, OR A PRINTED HANDOUT PROVIDED AT THE TIME OF PURCHASE.  
2 POSTING THE NOTICE ON A WALL, WINDOW, DISPLAY, OR OTHERWISE, AT THE  
3 RETAIL LOCATION, DOES NOT SATISFY THE REQUIREMENTS OF THIS  
4 SUBSECTION. A RETAILER WHO FAILS TO PROVIDE THE NOTICE REQUIRED BY  
5 THIS SUBSECTION IS RESPONSIBLE FOR A CIVIL FINE OF \$100.00 FOR EACH  
6 DAY ON WHICH 1 OR MORE VIOLATIONS OCCUR. THE DEPARTMENT SHALL  
7 PROVIDE FOR THE REMITTANCE OF THE FINE COLLECTED UNDER THIS  
8 SUBSECTION TO THE LOCAL LAW ENFORCEMENT AGENCY RESPONSIBLE FOR  
9 ENFORCING THE NOTICE REQUIREMENT.

10 (5) A PERSON SHALL NOT ENGAGE IN THE RETAIL SALE OF CONSUMER  
11 FIREWORKS OVER THE TELEPHONE, INTERNET, OR OTHER LIKE MANNER UNLESS  
12 THE CONSUMER FIREWORKS ARE PICKED UP OR SHIPPED FROM A PERMANENT  
13 LOCATION FOR WHICH THE PERSON HOLDS A VALID CONSUMER FIREWORKS  
14 CERTIFICATE.

15 Sec. 6. (1) The department shall establish and maintain, or  
16 cause to be ~~created~~**ESTABLISHED** and maintained, an internet website  
17 that has as its purpose the protection of the residents of this  
18 state who purchase, use, or transport fireworks. The website shall  
19 **MUST** include, ~~at a minimum,~~**BUT IS NOT LIMITED TO**, both of the  
20 following:

21 (a) A list of every person ~~and entity~~ that is issued a  
22 consumer fireworks certificate under section 4.

23 (b) A low-impact fireworks retail registry. ~~All of the~~  
24 ~~following apply to the online low-impact fireworks retail registry:~~

25 ~~—— (i) It shall be maintained and operated at no cost to a user.~~

26 ~~—— (ii) The cost of its maintenance and operation shall be paid~~  
27 ~~with funds described in section 11(4).~~

## House Bill No. 5939 as amended December 19, 2018

1 ~~(iii) It shall provide for instant registry without condition.~~

2 (2) ~~Beginning February 1, 2012, a~~ **A** person shall not sell low-  
 3 impact fireworks unless ~~he or she~~ **THAT PERSON** registers with the  
 4 low-impact fireworks retail registry not less than 10 days before  
 5 selling the fireworks in each calendar year **AND PAYS A <<\$50.00 >>**  
 6 **REGISTRY APPLICATION FEE FOR EACH RETAIL LOCATION REGISTERED. FOR A**  
 7 **PERSON WITH MULTIPLE RETAIL LOCATIONS, THE REGISTRY APPLICATION**  
 8 **FEEES IN TOTAL SHALL NOT EXCEED \$1,000.00. A PERSON THAT HOLDS A**  
 9 **VALID CONSUMER FIREWORKS CERTIFICATE ISSUED UNDER SECTION 4 IS NOT**  
 10 **REQUIRED TO REGISTER WITH THE LOW-IMPACT FIREWORKS RETAIL REGISTRY.**

11 (3) ~~A~~ **IF THE DEPARTMENT DETERMINES THAT A** person ~~who~~ **THAT**  
 12 sells low-impact fireworks at retail ~~and who fails~~ **HAS FAILED** to  
 13 register as described in this section, **THE DEPARTMENT** shall **ORDER**  
 14 **THE PERSON TO IMMEDIATELY** cease the sale of low-impact fireworks  
 15 until the person complies with subsection (2) **AND PAY A CIVIL FINE**  
 16 **OF NOT MORE THAN \$1,000.00. FOR A FIRST VIOLATION OF THIS SECTION,**  
 17 **IF A PERSON COMPLIES WITH SUBSECTION (2) WITHIN 30 DAYS OF**  
 18 **RECEIVING A NOTICE OF VIOLATION, THE DEPARTMENT SHALL WAIVE THE**  
 19 **CIVIL FINE DESCRIBED IN THIS SUBSECTION.**

20 Sec. 8. (1) A user fee, known as the fireworks safety fee, is  
 21 imposed on retail transactions made in this state for consumer  
 22 fireworks and low-impact fireworks as provided in section 9.

23 (2) A person that acquires consumer fireworks or low-impact  
 24 fireworks in a retail transaction is liable for the fireworks  
 25 safety fee on the transaction and, except as otherwise provided in  
 26 this act, shall pay the fireworks safety fee to the retailer as a  
 27 separate added amount to the consideration in the transaction. The

## House Bill No. 5939 as amended December 19, 2018

1 retailer shall collect the fireworks safety fee as an agent for the  
2 state.

3 (3) The fireworks safety fee shall be deposited in the  
4 fireworks safety fund.

5 (4) A person that ~~knows or should know that he or she is~~  
6 ~~required to comply with the requirements of subsection (2) but~~  
7 fails to collect ~~or remit~~ a fireworks safety fee as required under  
8 this section is ~~guilty of a misdemeanor punishable by~~ **RESPONSIBLE**  
9 **FOR** a **CIVIL** fine as follows:

10 (a) For a first violation, ~~of this subsection,~~ not more than  
11 ~~\$10,000.00.~~ **\$5,000.00. IF<< THE PERSON IS A RETAILER OF LOW-IMPACT**  
12 **FIREWORKS AND>>, WITHIN 30 DAYS OF RECEIVING A NOTICE OF**  
13 **EQUIVALENT OF THE AMOUNT THE PERSON SHOULD HAVE COLLECTED UNDER**  
14 **THIS SECTION, THE DEPARTMENT SHALL WAIVE THE CIVIL FINE DESCRIBED**  
15 **IN THIS SUBDIVISION.**

16 (b) For a second violation, ~~of this subsection,~~ not more than  
17 \$20,000.00.

18 (c) For a third or subsequent violation, ~~of this subsection,~~  
19 not more than \$40,000.00.

20 Sec. 10. (1) ~~The retailer or person to whom~~ **A PERSON THAT**  
21 **HOLDS** a consumer fireworks certificate **<< OR THAT IS A RETAILER OF LOW**  
22 **-IMPACT FIREWORKS >>** ~~is issued~~ is responsible for  
23 remitting all fireworks safety fees, as described in section 9, to  
24 the department. ~~on forms~~ **THE PERSON SHALL REMIT THE FEES COLLECTED**  
25 **WITH A FORM PROVIDED** and in ~~the~~ **A** manner prescribed by the  
26 department. ~~;~~ **THE PERSON** shall hold **IN TRUST FOR THE STATE** the  
27 fireworks safety fees collected in trust for the state until **THOSE**  
**FEES ARE** remitted to the state. ~~;~~ **and AN INDIVIDUAL WHO HOLDS A**



House Bill No. 5939 as amended December 19, 2018

1 **CONSUMER FIREWORKS CERTIFICATE<< OR WHO IS A RETAILER OF LOW-IMPACT**  
 2 **FIREWORKS>>** is personally liable for the payment  
 of the ~~fireworks safety fee money to this state.~~**FEES COLLECTED.**

3 (2) The department may refer for collection to the department  
 4 of treasury past due amounts of the fireworks safety fee consistent  
 5 with section 13 of 1941 PA 122, MCL 205.13 **OR MAY INITIATE**  
 6 **SUBROGATION FOR COLLECTION WITHIN THE DEPARTMENT.**

7 (3) A ~~retailer or person~~ **THAT IS RESPONSIBLE FOR REMITTING THE**  
 8 **COLLECTED FIREWORKS SAFETY FEES UNDER SUBSECTION (1)** shall remit  
 9 ~~the fireworks safety~~**THOSE** fees no later than 20 days after the end  
 10 of each preceding month. A ~~retailer or person~~ that operates 25 or  
 11 more retail locations in this state that are permanent buildings or  
 12 structures may remit the ~~fireworks safety~~**COLLECTED** fees in an  
 13 aggregate filing under 1 common identification number as determined  
 14 by the department.

15 ~~————(4) The department shall investigate any fireworks safety fees~~  
 16 ~~reported, but not paid, by a retailer no later than September 30 of~~  
 17 ~~each year.~~

18 (4) **A PERSON THAT FAILS TO REMIT THE COLLECTED FIREWORKS**  
 19 **SAFETY FEES, AS DESCRIBED IN SUBSECTION (1), IS RESPONSIBLE FOR A**  
 20 **CIVIL FINE AS FOLLOWS:**

21 (A) **FOR A FIRST VIOLATION, NOT MORE THAN \$5,000.00. IF<< THE PERSON**  
 22 **IS A RETAILER OF LOW-IMPACT FIREWORKS AND>>, WITHIN**  
 23 **30 DAYS OF RECEIVING A NOTICE OF VIOLATION, THE PERSON REMITS TO**  
 24 **THE DEPARTMENT THE COLLECTED FEES THAT ARE THE SUBJECT OF THE**  
 25 **VIOLATION, THE DEPARTMENT SHALL WAIVE THE CIVIL FINE DESCRIBED IN**  
 26 **THIS SUBDIVISION.**

26 (B) **FOR A SECOND VIOLATION, NOT MORE THAN \$20,000.00.**

27 (C) **FOR A THIRD OR SUBSEQUENT VIOLATION, NOT MORE THAN**

1 \$40,000.00.

2 Sec. 11. (1) The fireworks safety fund is created within the  
3 department of treasury.

4 (2) The state treasurer may receive money or other assets from  
5 any source for deposit into the fund. The state treasurer shall  
6 direct the investment of the fund. The state treasurer shall credit  
7 to the fund interest and earnings from fund investments.

8 (3) Money in the fund at the close of the fiscal year shall  
9 remain in the fund and shall not lapse to the general fund.

10 (4) The department shall expend money deposited in the fund as  
11 follows:

12 (a) One hundred percent of the money received from fireworks  
13 safety fees under section 8 to be used for the training of  
14 firefighters under the direction and approval of the firefighters  
15 training council established under the firefighters training  
16 council act, 1966 PA 291, MCL 29.361 to 29.377.

17 (b) One hundred percent of the money received from consumer  
18 fireworks ~~safety certificates~~ **CERTIFICATE FEES** under section 4 to  
19 administer this act and to pay the costs of delegating inspections  
20 under this act to local units of government under subsection (5).

21 (c) One hundred percent of the money received from the fees  
22 collected under section 11 of the firefighters training council  
23 act, 1966 PA 291, **MCL** 29.371, to be used for the training of  
24 firefighters under the direction and approval of the firefighters  
25 training council established under the firefighters training  
26 council act, 1966 PA 291, MCL 29.361 to 29.377.

27 (5) The department may establish a program for delegating

1 inspection duties under this act to 1 or more local units of  
 2 government. If a local unit of government agrees to carry out  
 3 inspections, the department shall pay ~~70%~~**50%** of the consumer  
 4 fireworks ~~safety~~-certificate fee paid by each retail location  
 5 inspected by the local unit of government and retain the remaining  
 6 ~~30%~~**50%** of that fee. If a local unit of government declines to  
 7 participate in the program described in this subsection, the  
 8 department ~~retains~~**SHALL RETAIN** its inspection duties under this  
 9 act.

10 Sec. 12. (1) A person shall not ignite, discharge, or use  
 11 consumer fireworks on public property, school property, church  
 12 property, or the property of another person without that  
 13 organization's or person's express permission to use those  
 14 fireworks on those premises. Except as otherwise provided in this  
 15 section, a person that violates this subsection is responsible for  
 16 a state civil infraction and may be ordered to pay a civil fine of  
 17 not more than \$500.00.

18 (2) ~~Consumer~~**A PERSON SHALL NOT SELL CONSUMER** fireworks shall  
 19 ~~not be sold~~ to a minor. A person that violates this subsection  
 20 shall be ordered to pay a civil fine of not more than ~~\$500.00,~~  
 21 **\$1,000.00**, or, for a second or subsequent violation of this  
 22 subsection, a civil fine of not more than ~~\$1,000.00. In addition,~~  
 23 **\$2,500.00. FOR A SECOND OR SUBSEQUENT VIOLATION, THE DEPARTMENT**  
 24 **SHALL SUSPEND** the person's consumer fireworks certificate ~~shall be~~  
 25 ~~suspended for 90 days after the~~**BEGINNING ON THE DATE A** civil fine  
 26 is ordered. ~~for a second or subsequent violation. This age~~  
 27 ~~requirement~~**THE AGE OF AN INDIVIDUAL PURCHASING CONSUMER FIREWORKS**

1 shall be verified by any of the following:

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

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

6 (c) An enhanced driver license or enhanced official state  
7 personal identification card issued under the enhanced driver  
8 license and enhanced official state personal identification card  
9 act, 2008 PA 23, MCL 28.301 to 28.308.

10 (d) A military identification card.

11 (e) A passport.

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

14 (3) An individual shall not discharge, ignite, or use consumer  
15 fireworks or low-impact fireworks while under the influence of  
16 alcoholic liquor, a controlled substance, or a combination of  
17 alcoholic liquor and a controlled substance. **A PERSON THAT VIOLATES**  
18 **THIS SUBSECTION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY**  
19 **BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$1,000.00.** As used  
20 in this subsection:

21 (a) "Alcoholic liquor" means that term as defined in section  
22 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

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

25 (4) An individual who violates the smoking prohibition ~~under~~  
26 **DESCRIBED IN NFPA 1124, 7.3.11.1, REGARDLESS OF THE TYPE OR**  
27 **QUANTITY OF CONSUMER OR LOW-IMPACT FIREWORKS PRESENT,** is ~~guilty of~~

1 ~~a misdemeanor punishable by imprisonment for not more than 1 year~~  
 2 ~~or~~ **RESPONSIBLE FOR a CIVIL** fine of ~~not more than \$1,000.00.~~ ~~or~~  
 3 ~~both.~~

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

6 **(6) A PERSON SHALL NOT IGNITE, DISCHARGE, OR USE CONSUMER**  
 7 **FIREWORKS OR LOW-IMPACT FIREWORKS IN A MANNER THAT IS INTENDED TO**  
 8 **HARASS, SCARE, OR INJURE LIVESTOCK. AS USED IN THIS SUBSECTION,**  
 9 **"LIVESTOCK" MEANS THAT TERM AS DEFINED IN SECTION 5 OF THE ANIMAL**  
 10 **INDUSTRY ACT, 1988 PA 466, MCL 287.705.**

11 Sec. 14. (1) A governmental or law enforcement agency that  
 12 identifies a firework that is in violation of this act shall secure  
 13 the firework and immediately notify the department of the alleged  
 14 violation. The department or law enforcement agency shall  
 15 investigate the alleged violation for compliance with this act.  
 16 ~~within a reasonable time.~~

17 (2) If the department or law enforcement agency determines  
 18 **THROUGH ITS INVESTIGATION UNDER SUBSECTION (1)** that a violation of  
 19 this act has occurred, except for a violation of section 6(2), the  
 20 department or law enforcement agency may seize the firework as  
 21 evidence of the violation. ~~Evidence~~ **THE DEPARTMENT OR LAW**  
 22 **ENFORCEMENT AGENCY SHALL STORE, OR CAUSE TO BE STORED, THE EVIDENCE**  
 23 seized under this section ~~shall be stored~~ pending disposition of  
 24 any criminal or civil proceedings arising from ~~a~~ **THE** violation. ~~of~~  
 25 ~~this act at the expense of the person, if~~ **IF** the person **SUBJECT TO**  
 26 **CRIMINAL OR CIVIL PROCEEDINGS UNDER THIS SECTION** is found guilty,  
 27 responsible, or liable for the violation, **THE PERSON SHALL BE**

1 **REQUIRED TO PAY THE STORAGE EXPENSE FOR THE EVIDENCE SEIZED.**

2 Sec. 15. (1) Fireworks seized for an alleged violation of this  
3 act shall be stored in compliance with this act and **THE** rules  
4 promulgated under this act.

5 (2) Following **A** final disposition of **AN APPEAL OF** a conviction  
6 ~~for violating~~**UNDER** this act **THAT AFFIRMS THE CONVICTION**, the  
7 ~~seizing agency in possession~~**DEPARTMENT** may dispose of or destroy  
8 any fireworks retained as evidence in that prosecution.

9 (3) ~~The~~**A** person from whom fireworks are seized under this act  
10 shall pay the actual costs of storage and disposal of the seized  
11 fireworks **IF FOUND GUILTY, RESPONSIBLE, OR LIABLE FOR A VIOLATION**  
12 **UNDER THIS ACT.**

13 (4) ~~The department of state police and the~~**THE** department may  
14 use fireworks described in subsection (2) for training purposes.

15 Sec. 16. (1) The legislative body of a city, village, or  
16 township, upon application in writing on forms provided by the  
17 department **ON THE DEPARTMENT'S WEBSITE** and payment of a fee set by  
18 the legislative body, if any, may grant a permit for the use of  
19 agricultural or wildlife fireworks, articles pyrotechnic, display  
20 fireworks, **CONSUMER FIREWORKS**, or special effects manufactured for  
21 outdoor pest control or agricultural purposes, or for public or  
22 private display within the city, village, or township by  
23 municipalities, fair associations, amusement parks, or other  
24 organizations or individuals approved by the city, village, or  
25 township authority, if the applicable provisions of this act are  
26 ~~complied with.~~**MET.** After a permit has been granted, ~~sales,~~  
27 ~~possession, or transportation of~~**A PERMIT HOLDER MAY SELL, POSSESS,**

1 **OR TRANSPORT** fireworks for **ONLY** the purposes described in the  
 2 permit. ~~only may be made.~~ A permit granted under this subsection is  
 3 not transferable and shall not be issued to a minor.

4 (2) Before a permit for articles pyrotechnic or a display  
 5 fireworks ignition is issued, the person ~~, firm, or corporation~~  
 6 applying for the permit shall furnish proof of financial  
 7 responsibility by a bond or insurance in an amount, character, and  
 8 form deemed necessary by the local governing authority **TO PROTECT**  
 9 **THE PUBLIC AND** to satisfy claims for damages to property or  
 10 personal injuries arising out of an act or omission on the part of  
 11 the person ~~, firm, or corporation~~ or an agent or employee of the  
 12 person. ~~, firm, or corporation, and to protect the public.~~

13 (3) ~~A~~ **THE DEPARTMENT SHALL NOT ISSUE UNDER THIS ACT A** permit  
 14 ~~shall not be issued under this act to~~ a nonresident person ~~, firm,~~  
 15 ~~or corporation~~ for ignition of articles pyrotechnic or display  
 16 fireworks in this state until the person ~~, firm, or corporation~~ has  
 17 appointed in writing a resident member of the bar of this state or  
 18 a resident agent to be the legal representative upon whom all  
 19 process in an action or proceeding against the person ~~, firm, or~~  
 20 ~~corporation~~ may be served.

21 (4) ~~The~~ **BEFORE GRANTING A PERMIT UNDER THIS ACT, THE** local  
 22 governing authority shall rule on the competency and qualifications  
 23 of **AN** articles pyrotechnic and display fireworks ~~operators as~~  
 24 ~~required~~ **OPERATOR, AS FURNISHED BY THE OPERATOR ON THE OPERATOR'S**  
 25 **APPLICATION FORM, IN ACCORDANCE WITH THE REQUIREMENTS PROVIDED**  
 26 under NFPA 1123, ~~as the operator has furnished in his or her~~  
 27 ~~application form,~~ and on the time, place, and safety aspects of the

1 display of articles pyrotechnic or display fireworks. ~~before~~  
2 ~~granting permits.~~

3 (5) A local unit of government that charges **AND COLLECTS** a fee  
4 to issue a permit under this section shall retain the **COLLECTED**  
5 fee. ~~paid.~~

6 Sec. 17. Except as otherwise provided in this act, this act  
7 does not prohibit any of the following:

8 (a) A wholesaler, retailer, commercial manufacturer, or  
9 importer from selling, storing, using, transporting, or  
10 distributing consumer fireworks or low-impact fireworks.

11 (b) The use of fireworks by railroads or other transportation  
12 agencies or law enforcement agencies for signal purposes or  
13 illumination.

14 (c) The use of agricultural or wildlife fireworks.

15 (d) The sale or use of blank cartridges for any of the  
16 following:

17 (i) A show or play.

18 (ii) Signal or ceremonial purposes in athletics or sports.

19 (iii) Use by military organizations.

20 (iv) Use by law enforcement agencies.

21 (e) The possession, sale, or disposal of fireworks incidental  
22 to the public display of fireworks by wholesalers or other persons  
23 who possess a permit to possess, store, ~~and~~ **OR** sell explosives from  
24 the bureau of alcohol, tobacco, firearms, and explosives of the  
25 United States ~~department of justice.~~ **DEPARTMENT OF JUSTICE.**

26 (f) Interstate wholesalers from selling, storing, using,  
27 transporting, or distributing fireworks.



1           (G) A PERSON FROM PARKING A MOTOR VEHICLE, OR TRAILER, THAT IS  
 2 NOT BEING USED FOR THE STORAGE OF CONSUMER FIREWORKS, WITHIN 10  
 3 FEET OF A PERMANENT BUILDING OR STRUCTURE USED IN THE RETAIL SALE  
 4 OF CONSUMER FIREWORKS.

5           Sec. 17a. (1) If, as a result of an inspection or  
 6 investigation, the state fire marshal or the state fire marshal's  
 7 designee believes that a person has violated this act, an order  
 8 issued under this act, or a rule promulgated under this act, the  
 9 state fire marshal or ~~his or her~~ **THE STATE FIRE MARSHAL'S** designee  
 10 shall issue a citation ~~to the person~~ not more than 90 days after  
 11 the completion of the physical inspection or investigation.

12           (2) **THE STATE FIRE MARSHAL OR THE STATE FIRE MARSHAL'S**  
 13 **DESIGNEE SHALL ISSUE THE CITATION DESCRIBED IN SUBSECTION (1) TO**  
 14 **THE HOLDER OF THE CONSUMER FIREWORKS CERTIFICATE FOR, OR TO A**  
 15 **PERSON CONDUCTING OR DIRECTING THE SALE OF CONSUMER FIREWORKS**  
 16 **WITHOUT A CONSUMER FIREWORKS CERTIFICATE AT, THE RETAIL LOCATION**  
 17 **THAT IS THE SUBJECT OF THE INSPECTION OR INVESTIGATION. A HOLDER OF**  
 18 **A CONSUMER FIREWORKS CERTIFICATE, OR A PERSON CONDUCTING OR**  
 19 **DIRECTING THE SALE OF CONSUMER FIREWORKS WITHOUT A CONSUMER**  
 20 **FIREWORKS CERTIFICATE, AS DESCRIBED IN THIS SUBSECTION, IS**  
 21 **RESPONSIBLE FOR THE ACTS OR OMISSIONS OF AN INDIVIDUAL UNDER THAT**  
 22 **PERSON'S EMPLOY OR CONTROL.**

23           (3) ~~(2)~~ Except as otherwise provided in this act, upon  
 24 issuance of a citation, the state fire marshal may immediately  
 25 suspend the consumer fireworks certificate of the person ~~to whom~~  
 26 **RECEIVING** the citation. ~~was issued.~~

27           (4) ~~(3)~~ Upon a proper petition, a court of competent

1 jurisdiction may enjoin a violation of this act.

2 (5) ~~(4)~~ All of the following apply to a citation issued by the  
3 state fire marshal or the state fire marshal's designee under this  
4 act:

5 (a) It shall be in writing.

6 (b) It shall state on its face that it is an allegation of a  
7 violation of this act, describe with particularity the nature of  
8 the violation, and include a reference to the provision, rule, or  
9 order alleged to be violated.

10 (c) It shall contain all of the following:

11 (i) The date of the citation.

12 (ii) The name and title of the individual who issued the  
13 citation.

14 (iii) The name and address of the person ~~to whom~~ **RECEIVING** the  
15 citation. ~~is issued.~~

16 (iv) The actions necessary to bring the person ~~to whom~~  
17 **RECEIVING** the citation ~~is issued~~ into compliance, including the  
18 payment of a fine.

19 (v) A space for the signature of the person ~~to whom~~ **RECEIVING**  
20 the citation ~~is issued~~ indicating that the person has received the  
21 citation.

22 (vi) A space where the person ~~to whom~~ **RECEIVING** the citation  
23 ~~is issued~~ may accept the citation and agree to comply or, in the  
24 alternative, may indicate the **PERSON'S** intent ~~of the person to whom~~  
25 ~~the citation is issued~~ to contest the citation.

26 (vii) A notice that the person ~~to whom~~ **RECEIVING** the citation  
27 ~~is issued~~ shall **MUST** accept or reject the terms of the citation **IN**

1 **WRITING** within 15 days of the ~~date~~**RECEIPT** of the citation.

2 (viii) A brief description of the administrative hearing  
3 process and the process for settlement as provided for by rule.

4 (d) A citation may either be mailed to the person ~~to whom~~  
5 **RECEIVING** the citation ~~is issued~~ by certified mail, return receipt  
6 requested, or delivered in person by the state fire marshal, or **THE**  
7 state fire marshal's designee who issued the citation.

8 Sec. 18a. (1) Except as otherwise provided in this section, a  
9 person ~~who~~**THAT** receives a citation for a serious violation, an  
10 order issued under this act, or a rule promulgated under this act  
11 shall be assessed a civil fine of not more than \$1,000.00 for each  
12 violation.

13 (2) Except as otherwise provided in this section, a person ~~who~~  
14 **THAT** receives a citation for a violation of this act that is not a  
15 serious violation may be assessed a civil fine of not more than  
16 \$500.00 for each violation.

17 (3) Subsections (1) and (2) do not apply to violations for  
18 which a specific civil fine is provided by this act.

19 (4) The state fire marshal may request that the prosecuting  
20 attorney for the county in which a violation of this act occurred  
21 issue a complaint and request a warrant for the prosecution of a  
22 ~~person~~**AN INDIVIDUAL** who commits a criminal violation of this act.

23 (5) ~~All~~**A** civil ~~fin~~~~es~~~~collected~~**FINE ORDERED** under this  
24 ~~section~~**ACT** shall be paid to the department within 15 working days  
25 after the date the ~~penalty~~**CIVIL FINE** is ordered, not subject to  
26 further review, and credited to the fireworks safety fund.

27 (6) The department of treasury shall institute proceedings to

1 collect any civil fines ordered but not paid under this act.

2       Sec. 18b. (1) The department shall not issue, and a ~~person~~ **AN**  
3 **INDIVIDUAL** is ineligible to be issued, a consumer fireworks  
4 certificate if, ~~either of the following apply:~~ **AS VERIFIED BY THE**  
5 **INTERNET CRIMINAL HISTORY ACCESS TOOL (ICHAT) MAINTAINED BY THE**  
6 **DEPARTMENT OF STATE POLICE, THE INDIVIDUAL WAS CONVICTED OF A**  
7 **FELONY INVOLVING THEFT, FRAUD, OR ARSON.**

8 ~~(a) The person was sentenced for a felony conviction within~~  
9 ~~the preceding 5 years.~~

10 ~~(b) The person has ever been convicted of a felony involving~~  
11 ~~theft, fraud, or arson.~~

12       (2) ~~If a person is convicted of a crime that would cause the~~  
13 ~~person to be ineligible to be issued a consumer fireworks~~  
14 ~~certificate on April 30 of the following year, the person's~~  
15 ~~consumer fireworks certificate shall be revoked for the balance of~~  
16 ~~the year for which the person's current consumer fireworks~~  
17 ~~certificate was issued.~~ **IF DUE TO A CRIMINAL CONVICTION AN**  
18 **INDIVIDUAL WILL BE INELIGIBLE FOR A CONSUMER FIREWORKS CERTIFICATE**  
19 **ON APRIL 30 OF THE YEAR FOLLOWING THE YEAR FOR WHICH THE INDIVIDUAL**  
20 **CURRENTLY HOLDS A CONSUMER FIREWORKS CERTIFICATE, THE DEPARTMENT**  
21 **SHALL REVOKE THE CURRENT CONSUMER FIREWORKS CERTIFICATE FOR THE**  
22 **BALANCE OF THE CURRENT YEAR.**

23       Sec. 18c. (1) A person ~~who~~ **THAT** is ~~convicted~~ **FOUND RESPONSIBLE**  
24 **FOR ANY** of the following ~~offenses~~ is ineligible, **BEGINNING ON THE**  
25 **DATE OF THE FINDING**, to obtain a consumer fireworks certificate for  
26 the ~~following periods~~ **PERIOD** of time ~~after conviction:~~ **INDICATED:**

27       (a) ~~For a~~ **A** second violation of section 4(1), 5 years.

## House Bill No. 5939 as amended December 20, 2018

1 (b) ~~For a~~ **A** third or subsequent violation of section 4(1), 10  
2 years.

3 (c) ~~For a~~ **A** first violation of section 8(4), 1 year.

4 (d) ~~For a~~ **A** second violation of section 8(4), 5 years.

5 (e) ~~For a~~ **A** third or subsequent violation of section 8(4), 10  
6 years.

7 (f) ~~For a~~ **A** violation of ~~of~~ **SUBJECT TO** section 18(1)(b), 1 year.

8 (g) ~~For a~~ **A** violation of ~~of~~ **SUBJECT TO** section 18(1)(c),  
9 permanently.

10 (h) ~~For a~~ **A** violation of ~~of~~ **SUBJECT TO** section 18(1)(d),  
11 permanently.

12 (2) A sanction imposed under subsection (1) shall be imposed  
13 in addition to any other penalty or sanction imposed for a  
14 violation of this act.

15 Enacting section 1. Section 13 of the Michigan fireworks  
16 safety act, 2011 PA 256, MCL 28.463, is repealed.

<<Enacting section 2. This amendatory act does not take effect  
unless all of the following bills of the 99th Legislature are enacted  
into law:

(a) House Bill No. 5940.

(b) House Bill No. 5941.>>