

# HOUSE BILL No. 5941

May 8, 2018, Introduced by Reps. Lilly and Chirkun and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7a (MCL 29.7a) and by adding section 7d.

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

1           Sec. 7a. (1) ~~IF~~**SUBJECT TO SECTION 7D, IF** the state fire  
2 marshal or the commanding officer of the fire department of a city,  
3 village, township, or county, or a fire fighter in uniform acting  
4 under the orders and directions of the commanding officer  
5 determines a dangerous condition exists, the state fire marshal,  
6 the commanding officer of the fire department of a city, village,  
7 township, or county, or the fire fighter in uniform acting under  
8 the orders and direction of the commanding officer upon finding an  
9 emergency condition dangerous to persons or property, may take all  
10 necessary steps and prescribe all necessary restrictions and  
11 requirements to protect persons and property until the dangerous

1 condition is abated.

2 (2) ~~The~~ **SUBJECT TO SECTION 7D, THE** state fire marshal, the  
3 commanding officer of the fire department of a city, village,  
4 township, or county, or a fire fighter in uniform acting under the  
5 orders and directions of the commanding officer, responding to a  
6 fire or emergency call, who, upon arriving at the scene of a fire  
7 or emergency, finds a condition dangerous to persons or property,  
8 may take all necessary steps and requirements to protect persons  
9 and property until the dangerous condition is abated.

10 (3) The state fire marshal or the commanding officer of the  
11 fire department of a city, village, township, or county, or a fire  
12 fighter in uniform acting under the orders and direction of the  
13 commanding officer may investigate causes and effects related to  
14 dangerous conditions.

15 **SEC. 7D. (1) THE STATE FIRE MARSHAL OR THE COMMANDING OFFICER**  
16 **OF THE FIRE DEPARTMENT OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY, OR**  
17 **A FIRE FIGHTER IN UNIFORM ACTING UNDER THE ORDERS AND DIRECTION OF**  
18 **THE COMMANDING OFFICER, SHALL NOT PROHIBIT THE IGNITION, DISCHARGE,**  
19 **AND USE OF CONSUMER FIREWORKS WITHIN A CITY, VILLAGE, TOWNSHIP, OR**  
20 **COUNTY DUE TO WEATHER CONDITIONS.**

21 **(2) THE GOVERNOR MAY PROHIBIT THE IGNITION, DISCHARGE, AND USE**  
22 **OF CONSUMER FIREWORKS IN 1 OR MORE COUNTIES IN THIS STATE IF THE**  
23 **GOVERNOR DETERMINES THAT WEATHER CONDITIONS MAKE THE IGNITION,**  
24 **DISCHARGE, AND USE OF CONSUMER FIREWORKS DANGEROUS TO PERSONS AND**  
25 **PROPERTY.**

26 **(3) AS USED IN THIS SECTION, "CONSUMER FIREWORKS" MEANS THAT**  
27 **TERM AS DEFINED IN SECTION 2 OF THE MICHIGAN FIREWORKS SAFETY ACT,**

1 **2011 PA 256, MCL 28.452.**

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