

HOUSE BILL No. 6087

December 9, 2014, Introduced by Reps. Howrylak, McCready and Schor 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,

1 including, but not limited to, an ordinance prescribing the hours
 2 of the day or night during which a person may ignite, discharge, or
 3 use consumer fireworks. ~~If~~ **SUBJECT TO SUBSECTION (4)**, a local unit
 4 of government **THAT** enacts an ordinance under this subsection, ~~the~~
 5 ~~ordinance~~ shall not regulate the ignition, discharge, or use of
 6 consumer fireworks on the day preceding, the day of, or the day
 7 after ~~a national holiday~~ **INDEPENDENCE DAY** except as follows:

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

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

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

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

23 (5) **THIS ACT DOES NOT LIMIT A LOCAL UNIT OF GOVERNMENT'S POWER**
 24 **TO ENACT A ZONING ORDINANCE UNDER THE MICHIGAN ZONING ENABLING ACT,**
 25 **2006 PA 110, MCL 125.3101 TO 125.3702.**

26 Sec. 12. (1) A person shall not ignite, discharge, or use
 27 consumer fireworks on public property, school property, church

1 property, or the property of another person without that
2 organization's or person's express permission to use those **CONSUMER**
3 fireworks on those premises. Except as otherwise provided in this
4 section, a person that violates this subsection is responsible for
5 a state civil infraction and may be ordered to pay a civil fine of
6 not more than \$500.00.

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