

HOUSE BILL No. 4924

September 12, 2017, Introduced by Reps. Hammoud, Elder, Sabo, Moss, Gay-Dagnogo, Yanez, Howrylak, Camilleri, Liberati and Wittenberg and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled
"Michigan fireworks safety act,"
by amending section 5 (MCL 28.455), as amended by 2013 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Consumer fireworks shall only be sold from a
2 retail location if all of the following applicable conditions are
3 met:

4 (a) Except as provided in subdivision (b), ~~a~~**THE** retail
5 location satisfies the applicable requirements of NFPA 101 and NFPA
6 1124 not in conflict with this act, and the Stille-DeRossett-Hale
7 single state construction code act, 1972 PA 230, MCL 125.1501 to
8 125.1531. However, any provision of the Stille-DeRossett-Hale
9 single state construction code act, 1972 PA 230, MCL 125.1501 to

1 125.1531, that is inconsistent with the applicable requirements of
2 NFPA 101 and NFPA 1124 is superseded to the extent of the
3 inconsistency or conflict.

4 (b) Beginning January 1, 2013, **IF THE RETAIL LOCATION IS** a
5 permanent building or structure, ~~shall be THE BUILDING OR STRUCTURE~~
6 **IS** equipped with a fire suppression system in compliance with NFPA
7 1124.

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

10 (d) The retailer has a valid federal taxpayer identification
11 number issued by the **INTERNAL REVENUE SERVICE OF THE** federal
12 ~~department of the treasury, internal revenue service. DEPARTMENT OF~~
13 **TREASURY**. This requirement does not apply to a retailer that is a
14 sole proprietorship.

15 **(E) THE RETAILER DISPLAYS A SIGN IN A CONSPICUOUS PLACE AT THE**
16 **RETAIL LOCATION THAT CLEARLY DESCRIBES ALL OF THE FOLLOWING:**

17 **(i) ANY LIMITATIONS ON THE HOURS OF THE DAY OR NIGHT DURING**
18 **WHICH A PERSON MAY IGNITE, DISCHARGE, OR USE CONSUMER FIREWORKS**
19 **UNDER ANY ORDINANCE ADOPTED UNDER SECTION 7 IN A LOCAL UNIT OF**
20 **GOVERNMENT IN WHICH THE RETAIL LOCATION IS LOCATED.**

21 **(ii) THE LIMITATIONS ON THE USE OF FIREWORKS ON PROPERTY OF**
22 **ANOTHER PERSON OR ORGANIZATION UNDER SECTION 12(1).**

23 **(iii) THE PROHIBITION AGAINST THE SALE OF CONSUMER FIREWORKS**
24 **TO MINORS UNDER SECTION 12(2) AND THE LIMITATIONS ON THE USE OF**
25 **FIREWORKS BY MINORS WITHOUT ADULT SUPERVISION UNDER SECTION 12(6).**

26 **(iv) THE LIMITATIONS ON THE USE OF FIREWORKS WHILE UNDER THE**
27 **INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES UNDER SECTION 12(3).**

1 (v) A PERSON'S LIABILITY FOR THE DEATH OR INJURY OF AN
2 INDIVIDUAL, OR FOR PROPERTY DAMAGE, CAUSED BY THE USE OF FIREWORKS.

3 (2) A person that knows, or should know, that ~~he or she~~ **THE**
4 **PERSON** is required to comply with subsection (1) and ~~who~~ **THAT** fails
5 or neglects to do so is responsible for a civil fine of \$2,500.00
6 for each violation. Each day that a person is in noncompliance
7 constitutes a separate violation.

8 (3) During periods when consumer fireworks are sold, each
9 retail location selling consumer fireworks either shall be added as
10 an additional insured, or public liability and product liability
11 insurance coverage shall be obtained and maintained, in an amount
12 not less than \$10,000,000.00 per occurrence. A person that knows,
13 or should know, that ~~he or she~~ **THE PERSON** is required to comply
14 with this subsection and ~~who~~ **THAT** fails or neglects to do so is
15 ~~liable~~ **RESPONSIBLE** for a civil fine of not more than \$5,000.00.

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

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. ____ (request no.
20 04027'17) of the 99th Legislature is enacted into law.