

HOUSE BILL No. 4925

September 12, 2017, Introduced by Reps. Elder, Hammoud, 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 12 (MCL 28.462), as amended by 2013 PA 65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

9 (2) ~~Consumer~~ **A PERSON SHALL NOT SELL CONSUMER** fireworks shall

1 ~~not be sold~~ to a minor. A person that violates this subsection
2 ~~shall be ordered to pay~~ **IS RESPONSIBLE FOR** a civil fine of not more
3 than \$500.00, or, for a second or subsequent violation of this
4 subsection, a civil fine of not more than \$1,000.00. In addition,
5 the person's consumer fireworks certificate shall be suspended for
6 90 days after the civil fine is ordered for a second or subsequent
7 violation. ~~This age requirement shall be verified by any of the~~

8 ~~following.~~ **FOR PURPOSES OF THIS SUBSECTION, A PURCHASER MUST PRESENT**
9 **1 OF THE FOLLOWING FORMS OF IDENTIFICATION TO THE SELLER, AND THE**
10 **SELLER SHALL EXAMINE THAT IDENTIFICATION TO VERIFY THE AGE OF THE**
11 **PURCHASER:**

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

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

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

20 (d) A military identification card.

21 (e) A passport.

22 (f) Any other bona fide ~~photograph~~ **FORM OF** identification that
23 **INCLUDES A PHOTOGRAPH AND** establishes the identity and age of the
24 individual.

25 (3) An individual shall not discharge, ignite, or use consumer
26 fireworks or low-impact fireworks while under the influence of
27 alcoholic liquor, a controlled substance, or a combination of

1 alcoholic liquor and a controlled substance. As used in this
2 subsection:

3 (a) "Alcoholic liquor" means that term as defined in section
4 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

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

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

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

13 **(6) A MINOR SHALL NOT IGNITE, DISCHARGE, OR USE CONSUMER**
14 **FIREWORKS UNLESS HE OR SHE IS SUPERVISED BY AN INDIVIDUAL WHO IS AT**
15 **LEAST 18 YEARS OLD. A MINOR WHO VIOLATES THIS SUBSECTION IS**
16 **RESPONSIBLE FOR A CIVIL FINE OF NOT MORE THAN \$100.00 OR, FOR A**
17 **SECOND OR SUBSEQUENT VIOLATION OF THIS SUBSECTION, A CIVIL FINE OF**
18 **NOT MORE THAN \$200.00.**

19 **(7) THE REMEDIES AND PENALTIES UNDER THIS SECTION DO NOT LIMIT**
20 **A PERSON'S CIVIL LIABILITY FOR THE DEATH OR INJURY OF AN**
21 **INDIVIDUAL, OR FOR PROPERTY DAMAGE, CAUSED BY IGNITING,**
22 **DISCHARGING, OR USING FIREWORKS.**

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

25 Enacting section 2. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 4924 (request no.
27 03748'17) of the 99th Legislature is enacted into law.