

HOUSE BILL No. 4902

September 6, 2017, Introduced by Rep. Kosowski 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 fireworks shall not be sold to a minor. A person
10 that violates this subsection shall be ordered to pay a civil fine
11 of not more than \$500.00, or, for a second or subsequent violation

1 of this subsection, a civil fine of not more than \$1,000.00. In
2 addition, the person's consumer fireworks certificate shall be
3 suspended for 90 days after the civil fine is ordered for a second
4 or subsequent violation. This age requirement shall be verified by
5 any of the following:

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

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

10 (c) An enhanced driver license or enhanced official state
11 personal identification card issued under the enhanced driver
12 license and enhanced official state personal identification card
13 act, 2008 PA 23, MCL 28.301 to 28.308.

14 (d) A military identification card.

15 (e) A passport.

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

18 (3) An individual shall not discharge, ignite, or use consumer
19 fireworks or low-impact fireworks while under the influence of
20 alcoholic liquor, a controlled substance, or a combination of
21 alcoholic liquor and a controlled substance. As used in this
22 subsection:

23 (a) "Alcoholic liquor" means that term as defined in section
24 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

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

27 (4) An individual who violates the smoking prohibition under

1 NFPA 1124, 7.3.11.1 is guilty of a misdemeanor punishable by
2 imprisonment for not more than 1 year or a fine of not more than
3 \$1,000.00, or 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 SELL FIREWORKS IN THIS STATE UNLESS**
7 **THOSE FIREWORKS ARE SILENT FIREWORKS. AS USED IN THIS SUBSECTION,**
8 **"SILENT FIREWORKS" MEANS FIREWORKS THAT ARE DESIGNED TO MINIMIZE**
9 **THE AUDIBLE EFFECT OF THEIR DISCHARGE OR USE.**

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