



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 193 (Substitute S-2 as reported)

Sponsor: Senator Rick Jones

Committee: Regulatory Reform

CONTENT

The bill would amend the Michigan Fireworks Safety Act to do the following:

- Revise the sanctions for sale of consumer fireworks without a license or for failure to collect or remit a fireworks safety fee, and add graduated fines for subsequent violations.
- Require a fine for selling fireworks to a minor; add a graduated fine for a second or subsequent violation; and require a 90-day suspension of a person's consumer fireworks certificate after a civil fine was ordered for selling fireworks to a minor.
- Make it a State civil infraction for a minor to possess consumer fireworks, and prescribe a civil fine for the infraction.
- Require the State Fire Marshal to issue a citation to a person if the Fire Marshal believed, as a result of an inspection or investigation, that a person had violated the Act.
- Allow the Fire Marshal to suspend the consumer fireworks certificate of a person to whom a citation was issued.
- Require a civil fine of up to \$1,000 for each violation for a person who received a citation for a "serious violation", an order issued under the Act, or a rule promulgated under the Act.
- Allow a civil fine of up to \$500 for a person who received a citation for a violation of the Act that was not a serious violation.
- Require all civil fines for citations to be paid to the Department of Licensing and Regulatory Affairs (LARA) within 15 working days and be credited to the Fireworks Safety Fund.
- Allow the Fire Marshal to request a warrant for the prosecution of a person who committed a criminal violation of the Act.
- Prohibit LARA from issuing a consumer fireworks certificate, and make a person ineligible for a certificate, if the person had certain felony convictions.
- Specify periods during which a person would be ineligible for a fireworks safety certificate for certain violations of the Act.

MCL 28.452 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate but positive impact on State and local government. There are no data to indicate how many individuals would be affected by the increased fines proposed under the bill. The fines would range from \$500 for a minor illegally possessing fireworks up to \$40,000 for a third or subsequent offense of selling fireworks without a license. The revenue from these fines would be directed to the Fireworks Safety Fund, which helps pay for fire safety associated with the Act, including up to \$1.0 million that may be granted to local units to defray inspection costs.

Date Completed: 6-6-12

Fiscal Analyst: Dan O'Connor
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