

HOUSE BILL NO. 5932

June 25, 2020, Introduced by Reps. Elder, Pagan, Brenda Carter, Liberati, Hood, Sowerby, Guerra, Manoogian, Anthony, Gay-Dagnogo, Clemente, Hammoud and Love 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 2019 PA 138.

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



1 a state civil infraction and may be ordered to pay a civil fine of
2 not more than \$500.00.

3 (2) A person shall not sell consumer fireworks to a minor. A
4 person that violates this subsection shall be ordered to pay a
5 civil fine of not more than \$1,000.00, or, for a second or
6 subsequent violation of this subsection, a civil fine of not more
7 than \$2,500.00. For a second or subsequent violation, the
8 department shall suspend the person's consumer fireworks
9 certificate for 90 days beginning on the date a civil fine is
10 ordered. The age of an individual purchasing consumer fireworks
11 shall be verified by any of the following:

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 identification that
23 establishes the identity and age of the individual.

24 (3) An individual shall not discharge, ignite, or use consumer
25 fireworks or low-impact fireworks while under the influence of
26 alcoholic liquor, a controlled substance, or a combination of
27 alcoholic liquor and a controlled substance. A person that violates
28 this subsection is responsible for a state civil infraction and may
29 be ordered to pay a civil fine of not more than \$1,000.00. As used



1 in this subsection:

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

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

6 (4) An individual who violates the smoking prohibition
7 described in NFPA 1124, 7.3.11.1, regardless of the type or
8 quantity of consumer or low-impact fireworks present, is
9 responsible for a civil fine of \$1,000.00.

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

12 (6) A person shall not ignite, discharge, or use consumer
13 fireworks or low-impact fireworks in a manner that is intended to
14 harass, scare, or injure livestock. As used in this subsection,
15 "livestock" means that term as defined in section 3 of the animal
16 industry act, 1988 PA 466, MCL 287.703.

17 **(7) A minor shall not ignite, discharge, or use consumer**
18 **fireworks unless he or she is supervised by an individual who is**
19 **not less than 18 years of age. A minor who violates this subsection**
20 **is responsible for a state civil infraction and may be ordered to**
21 **pay a civil fine as follows:**

22 (a) For a first violation, a civil fine of not more than
23 \$100.00.

24 (b) For a second or subsequent violation, a civil fine of not
25 more than \$200.00.

26 (8) The remedies and penalties under this section do not limit
27 a person's civil liability for the death or injury of an
28 individual, or for property damage, caused by igniting,
29 discharging, or using fireworks.



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

3 Enacting section 2. This amendatory act does not take effect
4 unless Senate Bill No. _____ or House Bill No. 5931 (request no.
5 07118'20) of the 100th Legislature is enacted into law.

