February 26, 1999

HOUSE BILL No. 1996

DIGEST OF HB 1996 (Updated February 25, 1999 11:40 am - DI 101)

Citations Affected: IC 22-11.

Synopsis: Fireworks. Allows the fire chief of a municipality to grant a permit allowing a person to sponsor a special discharge location for the discharge of common fireworks in the municipality. Establishes requirements for obtaining a special discharge location permit. Establishes building and fire suppression requirements for the sale of fireworks. Requires a manufacturer, wholesaler, importer, or distributor of fireworks to pay a $100 registration fee for a second or subsequent location where fireworks are offered for sale. Prohibits the sale of certain fireworks to a person under the age of 18. Requires a seller of fireworks to require photographic identification of purchasers who appear to be younger than 25 years of age. Provides that a person who ignites, discharges, or uses any fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction for the first offense or a Class C

(Continued next page)

Effective: Upon passage; July 1, 1999.

Bottorff

January 27, 1999, read first time and referred to Committee on Commerce and Economic Development.
February 25, 1999, amended, reported — Do Pass.

C o p y

Digest Continued

infraction for a subsequent offense within five years of the first offense. Prohibits the sale, distribution, and use of a specific sky rocket unless the sky rocket is sold by a licensed wholesaler exclusively for the purpose of out-of-state distribution. Requires that all fees collected in connection with permits be deposited equally between the firefighting and emergency equipment revolving loan fund and the firefighters' pension relief fund.

C o p y

February 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

C o p y

HOUSE BILL No. 1996

A BILL FOR AN ACT to amend the Indiana Code concerning fireworks.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-11-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Auto burglar alarm" means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often

produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

"Common firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. Common fireworks:

(1) include:

(A) ground and hand-held sparkling devices, which include dipped stick, certain wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(B) aerial devices, which include sky rockets, missile-type rockets, helicopter or aerial spinners, roman candles, mines, and shells;

(C) ground audible devices, which include firecrackers, salutes, and chasers; and

(D) firework devices containing combinations of two (2) or more of the effects described in ~~the preceding three (3) clauses;~~ **clauses (A), (B), and (C);** and

(2) do not include the following novelties and trick noisemakers:

(A) Snakes or glow worms.

(B) Smoke devices.

(C) Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item.

(D) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms.

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding

C o p y

three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand-held (handle fountain).

"Dipped stick" or "wire sparkler" means a common firework that consists of a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item are not included in the category of common fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper-wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of common fireworks and special fireworks. The following items are excluded from the definition of fireworks:

(1) Model rockets.
(2) Toy pistol caps.
(3) Emergency signal flares.
(4) Matches.
(5) Fixed ammunition for firearms.
(6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.
(7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
(8) Indoor pyrotechnics special effects material.
(9) M-80s, cherry bombs, silver salutes, and any other device banned by the federal government.

C o p y

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device which is similar to wheels in design and effect when placed on the ground and ignited, and which produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

(1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;

(2) to which some type of propeller or blade device is attached; and

(3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

(1) contains up to one hundred (100) grams of pyrotechnic composition;

(2) produces, upon ignition, a colored fire; and

(3) is either a spike, base, or handle-type device.

"Importer" means:

(1) a person who imports fireworks from a foreign country; or

(2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (1992 edition)).

~~"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks not approved for sale in Indiana.~~

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

(1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;

(2) contains up to forty (40) grams of pyrotechnic composition; and

(3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

"Missile-type rocket" means a device that is similar to a sky rocket

C o p y

in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

"Retail sales stand" means a temporary business site or location where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

"Sky rocket" means a device that:

(1) consists of a tube that ~~does not exceed one-half (1/2) inch in inside diameter and that~~ contains ~~up to twenty (20) grams of~~ pyrotechnic composition;

(2) contains a ~~wooden~~ stick for guidance and stability; and

(3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special discharge location" means a location designated for the discharge of common fireworks by individuals as set forth under section 2(b) of this chapter.

C o p y

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as common fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

(1) is attached to a post or tree by means of a nail or string;

(2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and

(3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who **does either or both of the following**:

(1) Purchases fireworks for resale to retailers.

(2) Sells common fireworks for use at special discharge locations.

SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire prevention and building safety commission may adopt rules for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. The fire prevention and building safety commission created under IC 22-12-2 shall establish by rule the fee for the permit. A fee collected for a permit shall be paid into the fire and building services fund created under IC 22-12-6-1. The application for any permit must name a competent operator who is to officiate at the display together with a brief resume of the operator's experience. No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction. Every display shall be handled by a qualified operator to be approved by the chief of the fire department of the municipality in which the display is to be held and shall be so located, discharged, or fired as, in the opinion of the chief of the fire department, or the township fire chief, or the fire chief of the municipality nearest the site proposed in case the exhibit

C o p y

or display is sought to be held outside of the corporate limits of any city or town, after proper inspection, is not hazardous to property or person. Applications for permits must be made in writing at least fifteen (15) days in advance of the date of display. A permit granted under this section is not transferable.

(b) The chief of the fire department of a municipality may grant a permit allowing a person to sponsor a special discharge location in the municipality if the following conditions are satisfied:

(1) The requirements of this chapter are satisfied.

(2) There are at least six (6) pyrotechnicians who are qualified by the local fire chief and who are present at the special discharge location during the times the special discharge location is accessible to the public.

(3) The special discharge location is situated in an area approved by the local fire chief of the municipality where the activities of the special discharge location are to be conducted.

(4) The special discharge location is located not more than seventy-five (75) miles from the point of sale of the common fireworks that are to be used at the special discharge location.

(5) The special discharge location is accessible to the public from 8:00 p.m. until 11:00 p.m. on July 3, 4, and 5.

(6) A public display permit is obtained at least fifteen (15) days before any date not described in subdivision (5) on which the special discharge location is to be used.

(7) The availability of the special discharge location is advertised in a newspaper or any other medium, in a manner other than by legal notice, at least five (5) days before the first day on which the special discharge location is to be used.

(8) If the person seeks to sponsor more than one (1) special discharge location, the person has provided separate security for each special discharge location.

(9) The person has provided proof of liability insurance in the amount of one million dollars ($1,000,000) to the fire chief of the municipality where the special discharge location is situated. If the person seeks to sponsor more than one (1) special discharge location, the person must provide the proof of insurance required by this subdivision for each special discharge location.

(10) Each pyrotechnician and all other employees of the special discharge location are covered by worker's compensation insurance.

(11) The person has paid a permit fee of one thousand dollars

C o p y

($1,000). If the person seeks to sponsor more than one (1) special discharge location, the person must pay a permit fee for each special discharge location.

(12) The person has paid an annual registration fee of five thousand dollars ($5,000) for the purpose of conducting one (1) or more special discharge locations for common fireworks.

A denial of a permit for a special discharge location by a local fire chief must be in writing and must state all reasons for the denial. The person requesting the special discharge location permit may appeal the denial of the permit to the circuit or superior court of the county where the special discharge location is situated.

~~(b)~~ **(c)** A municipality may adopt an ordinance concerning the conducting and display of indoor pyrotechnics. However, an ordinance adopted under this subsection may not be more lenient than a rule adopted by a state agency.

~~(c)~~ **(d)** A municipality or an organization that obtains a permit for an indoor pyrotechnics display from a local governmental entity is not required to obtain a permit approved by the state fire marshal.

~~(d)~~ **(e)** A person who possesses, transports, or delivers fireworks, except as authorized under this section, commits a Class A misdemeanor.

SECTION 3. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

(1) any resident wholesaler, manufacturer, importer, or distributor from selling:

(A) at wholesale fireworks not prohibited by this chapter; ~~or~~

(B) fireworks not approved for sale in Indiana **under IC 22-11-14-8.1** if they are to be shipped directly out of state within five (5) days of the date of sale; **or**

(C) common fireworks to be used in conjunction with a special discharge location;

(2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(3) the sale or use of blank cartridges for:

(A) a show or theater;

(B) signal or ceremonial purposes in athletics or sports; or

(C) use by military organizations;

(4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers;

(5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other

Copy

persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco and Firearms, United States Department of the Treasury; or

(6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

(1) is a resident of Indiana;

(2) possesses for resale common fireworks ~~approved or not approved for sale in Indiana;~~

(3) is engaged in the ~~interstate~~ sale of common fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure ~~and~~ **that:**

(A) is open at least six (6) months each year;

(B) contains four (4) walls, a roof, foundation, and floor;

(C) has at least one (1) smoke detector for every one thousand (1,000) square feet of selling floor space and at least two (2) smoke detectors for every structure;

(D) has at least one (1) fire extinguisher for every one thousand (1,000) square feet of selling floor space and at least two (2) fire extinguishers for every structure;

(E) does not exceed ten thousand (10,000) square feet in total area unless the structure is in existence on June 1, 1999;

(F) if the structure has other tenants that sell other commodities, has a fixed fire wall separation of at least a two (2) hour fire resistive construction as determined under the rules of the fire prevention and building safety commission between the area where fireworks are offered for sale and any other occupant of the same building;

(G) prohibits smoking in the structure and has at least one (1) sign posted for every one thousand (1,000) square feet of floor space and at least two (2) signs for every structure that state that a person is prohibited from smoking where fireworks are sold or stored; and

(H) if a wholesale location, has a minimum occupancy classification of "B" or "M";

(I) if a wholesale location, is situated in an area zoned by a local municipality as commercial, industrial, or business;

(J) if a wholesale location, is covered by a general liability insurance policy that:

(i) insures against liability in the amount of at least two

Copy

million dollars ($2,000,000); and

(ii) has been forwarded with the application for a certificate of compliance; and

(K) if the structure was not in existence on or before April 30, 1998, complies with the Indiana Building Code; and

(4) ~~sells common fireworks described in subdivision (2) only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and~~

~~(5)~~ has **legal** possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

(c) ~~A purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.~~

SECTION 4. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, all stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of fireworks, novelties, and trick noisemakers unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the fireworks, novelties, and trick noisemakers submits to the state fire marshal:

(1) a complete description of each item proposed to be shipped into Indiana;

(2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and

(3) an annual registration fee of one thousand dollars ($1,000) **for the first location and an additional registration fee of one hundred dollars ($100) for each subsequent location from which fireworks are to be offered for sale**.

If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance expires December 31 of the year during which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable, except that a retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items. A certified copy of the

Copy

certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter. **A certificate of compliance may not be applied for after June 15 of a year.**

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed or marked on the package, box or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

(e) Fireworks may not be sold to a person under eighteen (18) years of age except for those fireworks listed in section 8 of this chapter. A seller of fireworks shall require photographic identification of those purchasers who appear to be younger than twenty-five (25) years of age. The seller shall record the type of identification provided by the purchaser and any identifying number and shall maintain a record of all transactions concerning the sale of fireworks as required by section 10 of this chapter.

SECTION 5. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** A person who violates section ~~4(c)~~ 5(c), 5(d), **5(e)**, 7, ~~or~~ 8, **or 8.1** of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses any fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction if the person has committed no prior offense under this subsection. If a person has committed a prior offense under this subsection within the five (5) years before the date of the current offense, the person commits a Class C infraction.

Copy

SECTION 6. IC 22-11-14-8.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 8.1. (a) Except as provided in subsection (b), a person may not sell, distribute, or use a sky rocket:**

(1) with a tube diameter of less than three-eighths (3/8) inch by two and one-fourth (2 1/4) inches in length;

(2) with a stick dimension that is less than one-eighth (1/8) inch in diameter by eleven and one-half (11 1/2) inches in length; and

(3) that has a total pyrotechnic composition that is less than twenty (20) grams in weight.

(b) A sky rocket that is prohibited from sale, use, or distribution under subsection (a) may be stored and sold by a licensed wholesaler for the exclusive purpose of out-of-state distribution.

(c) A seller shall maintain records of all sales of skyrockets.

SECTION 7. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. All fees collected under this chapter shall be deposited equally between:**

(1) the firefighting and emergency equipment revolving loan fund established under IC 22-14-5-1; and

(2) the pension relief fund established under IC 5-10.3-11-1, for the benefit of firefighters.

SECTION 8. **An emergency is declared for this act.**

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1996, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 37 and 38, begin a new paragraph and insert:

""**Special discharge location" means a location designated for the discharge of common fireworks by individuals as set forth under section 2(b) of this chapter.**".

Page 6, line 18, delete "public display sites" and insert "**special discharge locations**".

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire prevention and building safety commission may adopt rules for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. The fire prevention and building safety commission created under IC 22-12-2 shall establish by rule the fee for the permit. A fee collected for a permit shall be paid into the fire and building services fund created under IC 22-12-6-1. The application for any permit must name a competent operator who is to officiate at the display together with a brief resume of the operator's experience. No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction. Every display shall be handled by a qualified operator to be approved by the chief of the fire department of the municipality in which the display is to be held and shall be so located, discharged, or fired as, in the opinion of the chief of the fire department, or the township fire chief, or the fire chief of the municipality nearest the site proposed in case the exhibit or display is sought to be held outside of the corporate limits of any city or town, after proper inspection, is not hazardous to property or person. Applications for permits must be made in writing at least fifteen (15) days in advance of the date of display. A permit granted under this section is not transferable.

(b) The chief of the fire department of a municipality may grant a permit allowing a person to sponsor a special discharge location in the municipality if the following conditions are satisfied:

(1) The requirements of this chapter are satisfied.

(2) There are at least six (6) pyrotechnicians who are qualified by the local fire chief and who are present at the special discharge location during the times the special discharge

C o p y

location is accessible to the public.

(3) The special discharge location is situated in an area approved by the local fire chief of the municipality where the activities of the special discharge location are to be conducted.

(4) The special discharge location is located not more than seventy-five (75) miles from the point of sale of the common fireworks that are to be used at the special discharge location.

(5) The special discharge location is accessible to the public from 8:00 p.m. until 11:00 p.m. on July 3, 4, and 5.

(6) A public display permit is obtained at least fifteen (15) days before any date not described in subdivision (5) on which the special discharge location is to be used.

(7) The availability of the special discharge location is advertised in a newspaper or any other medium, in a manner other than by legal notice, at least five (5) days before the first day on which the special discharge location is to be used.

(8) If the person seeks to sponsor more than one (1) special discharge location, the person has provided separate security for each special discharge location.

(9) The person has provided proof of liability insurance in the amount of one million dollars ($1,000,000) to the fire chief of the municipality where the special discharge location is situated. If the person seeks to sponsor more than one (1) special discharge location, the person must provide the proof of insurance required by this subdivision for each special discharge location.

(10) Each pyrotechnician and all other employees of the special discharge location are covered by worker's compensation insurance.

(11) The person has paid a permit fee of one thousand dollars ($1,000). If the person seeks to sponsor more than one (1) special discharge location, the person must pay a permit fee for each special discharge location.

(12) The person has paid an annual registration fee of five thousand dollars ($5,000) for the purpose of conducting one (1) or more special discharge locations for common fireworks.

A denial of a permit for a special discharge location by a local fire chief must be in writing and must state all reasons for the denial. The person requesting the special discharge location permit may appeal the denial of the permit to the circuit or superior court of the county where the special discharge location is situated.

~~(b)~~ **(c)** A municipality may adopt an ordinance concerning the

C o p y

conducting and display of indoor pyrotechnics. However, an ordinance adopted under this subsection may not be more lenient than a rule adopted by a state agency.

~~(c)~~ **(d)** A municipality or an organization that obtains a permit for an indoor pyrotechnics display from a local governmental entity is not required to obtain a permit approved by the state fire marshal.

~~(d)~~ **(e)** A person who possesses, transports, or delivers fireworks, except as authorized under this section, commits a Class A misdemeanor.".

Page 6, line 25, after "Indiana" insert "**under IC 22-11-14-8.1**".

Page 6, line 28, delete "an" and insert "**a**".

Page 6, line 29, delete "approved public display site" and insert "**special discharge location**".

Page 7, line 6, strike "approved or not" and insert ".".

Page 7, line 7, strike "approved for sale in Indiana;".

Page 7, line 8, strike "interstate".

Page 7, line 27, after "building;" delete "and".

Page 7, between lines 32 and 33, begin a new line double block indented and insert:

"**(H) if a wholesale location, has a minimum occupancy classification of "B" or "M";**

(I) if a wholesale location, is situated in an area zoned by a local municipality as commercial, industrial, or business;

(J) if a wholesale location, is covered by a general liability insurance policy that:

(i) insures against liability in the amount of at least two million dollars ($2,000,000); and

(ii) has been forwarded with the application for a certificate of compliance; and

(K) if the structure was not in existence on or before April 30, 1998, complies with the Indiana Building Code; and".

Page 7, line 37, after "has" insert "**legal**".

Page 7, line 41, delete "Notwithstanding subsection (b)(3):".

Page 7, delete line 42.

Page 8, delete lines 1 through 9.

Page 8, line 26, delete "a second or" and insert "**each**".

Page 9, line 6, delete "issued" and insert "**applied for**".

Page 9, line 21, after "chapter." insert "**A seller of fireworks shall require photographic identification of those purchasers who appear to be younger than twenty-five (25) years of age. The seller shall record the type of identification provided by the purchaser and any identifying number and shall maintain a record of all**

C o p y

transactions concerning the sale of fireworks as required by section 10 of this chapter.".

Page 9, line 23, after "6." insert "**(a)**".

Page 9, between lines 25 and 26, begin a new paragraph and insert:

"**(b) A person who ignites, discharges, or uses any fireworks intended to be used at a special discharge location at a site other than a special discharge location commits a Class D infraction if the person has committed no prior offense under this subsection. If a person has committed a prior offense under this subsection within the five (5) years before the date of the current offense, the person commits a Class C infraction.**".

Page 9, between lines 40 and 41, begin a new paragraph and insert:

"**(c) A seller shall maintain records of all sales of skyrockets.**

SECTION 6. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. All fees collected under this chapter shall be deposited equally between:**

(1) the firefighting and emergency equipment revolving loan fund established under IC 22-14-5-1; and

(2) the pension relief fund established under IC 5-10.3-11-1, for the benefit of firefighters.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1996 as introduced.)

CROOKS, Chair

Committee Vote: yeas 11, nays 0.

C o p y