

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

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:*

- 1 Page 5, between lines 37 and 38, begin a new paragraph and insert:
- 2 **""Special discharge location" means a location designated for**
- 3 **the discharge of common fireworks by individuals as set forth**
- 4 **under section 2(b) of this chapter."**
- 5 Page 6, line 18, delete "public display sites" and insert "**special**
- 6 **discharge locations"**.
- 7 Page 6, between lines 18 and 19, begin a new paragraph and insert:
- 8 "SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire
- 10 prevention and building safety commission may adopt rules for the
- 11 granting of permits for supervised public displays of fireworks by
- 12 municipalities, fair associations, amusement parks, and other
- 13 organizations or groups of individuals. The fire prevention and building
- 14 safety commission created under IC 22-12-2 shall establish by rule the

1 fee for the permit. A fee collected for a permit shall be paid into the fire
2 and building services fund created under IC 22-12-6-1. The application
3 for any permit must name a competent operator who is to officiate at
4 the display together with a brief resume of the operator's experience.
5 No operator who has a prior conviction for violating this chapter may
6 operate any display for one (1) year after the conviction. Every display
7 shall be handled by a qualified operator to be approved by the chief of
8 the fire department of the municipality in which the display is to be
9 held and shall be so located, discharged, or fired as, in the opinion of
10 the chief of the fire department, or the township fire chief, or the fire
11 chief of the municipality nearest the site proposed in case the exhibit
12 or display is sought to be held outside of the corporate limits of any city
13 or town, after proper inspection, is not hazardous to property or person.
14 Applications for permits must be made in writing at least fifteen (15)
15 days in advance of the date of display. A permit granted under this
16 section is not transferable.

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

20 **(1) The requirements of this chapter are satisfied.**

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

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

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

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

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

36 **(7) The availability of the special discharge location is**
37 **advertised in a newspaper or any other medium, in a manner**
38 **other than by legal notice, at least five (5) days before the first**

- 1 **day on which the special discharge location is to be used.**
- 2 **(8) If the person seeks to sponsor more than one (1) special**
- 3 **discharge location, the person has provided separate security**
- 4 **for each special discharge location.**
- 5 **(9) The person has provided proof of liability insurance in the**
- 6 **amount of one million dollars (\$1,000,000) to the fire chief of**
- 7 **the municipality where the special discharge location is**
- 8 **situated. If the person seeks to sponsor more than one (1)**
- 9 **special discharge location, the person must provide the proof**
- 10 **of insurance required by this subdivision for each special**
- 11 **discharge location.**
- 12 **(10) Each pyrotechnician and all other employees of the**
- 13 **special discharge location are covered by worker's**
- 14 **compensation insurance.**
- 15 **(11) The person has paid a permit fee of one thousand dollars**
- 16 **(\$1,000). If the person seeks to sponsor more than one (1)**
- 17 **special discharge location, the person must pay a permit fee**
- 18 **for each special discharge location.**
- 19 **(12) The person has paid an annual registration fee of five**
- 20 **thousand dollars (\$5,000) for the purpose of conducting one**
- 21 **(1) or more special discharge locations for common fireworks.**
- 22 **A denial of a permit for a special discharge location by a local fire**
- 23 **chief must be in writing and must state all reasons for the denial.**
- 24 **The person requesting the special discharge location permit may**
- 25 **appeal the denial of the permit to the circuit or superior court of**
- 26 **the county where the special discharge location is situated.**
- 27 ~~(b)~~ **(c) A municipality may adopt an ordinance concerning the**
- 28 **conducting and display of indoor pyrotechnics. However, an ordinance**
- 29 **adopted under this subsection may not be more lenient than a rule**
- 30 **adopted by a state agency.**
- 31 ~~(c)~~ **(d) A municipality or an organization that obtains a permit for**
- 32 **an indoor pyrotechnics display from a local governmental entity is not**
- 33 **required to obtain a permit approved by the state fire marshal.**
- 34 ~~(d)~~ **(e) A person who possesses, transports, or delivers fireworks,**
- 35 **except as authorized under this section, commits a Class A**
- 36 **misdemeanor."**
- 37 Page 6, line 25, after "Indiana" insert "**under IC 22-11-14-8.1**".
- 38 Page 6, line 28, delete "an" and insert "**a**".

- 1 Page 6, line 29, delete "approved public display site" and insert
2 **"special discharge location"**.
- 3 Page 7, line 6, strike "approved or not" and insert ".".
- 4 Page 7, line 7, strike "approved for sale in Indiana;"
- 5 Page 7, line 8, strike "interstate".
- 6 Page 7, line 27, after "building;" delete "and".
- 7 Page 7, between lines 32 and 33, begin a new line double block
8 indented and insert:
- 9 **"(H) if a wholesale location, has a minimum occupancy**
10 **classification of "B" or "M";**
- 11 **(I) if a wholesale location, is situated in an area zoned by a**
12 **local municipality as commercial, industrial, or business;**
- 13 **(J) if a wholesale location, is covered by a general liability**
14 **insurance policy that:**
- 15 **(i) insures against liability in the amount of at least two**
16 **million dollars (\$2,000,000); and**
- 17 **(ii) has been forwarded with the application for a**
18 **certificate of compliance; and**
- 19 **(K) if the structure was not in existence on or before April**
20 **30, 1998, complies with the Indiana Building Code; and"**.
- 21 Page 7, line 37, after "has" insert **"legal"**.
- 22 Page 7, line 41, delete "Notwithstanding subsection (b)(3):".
- 23 Page 7, delete line 42.
- 24 Page 8, delete lines 1 through 9.
- 25 Page 8, line 26, delete "a second or" and insert **"each"**.
- 26 Page 9, line 6, delete "issued" and insert **"applied for"**.
- 27 Page 9, line 21, after "chapter." insert **"A seller of fireworks shall**
28 **require photographic identification of those purchasers who**
29 **appear to be younger than twenty-five (25) years of age. The seller**
30 **shall record the type of identification provided by the purchaser**
31 **and any identifying number and shall maintain a record of all**
32 **transactions concerning the sale of fireworks as required by section**
33 **10 of this chapter."**
- 34 Page 9, line 23, after "6." insert **"(a)"**.
- 35 Page 9, between lines 25 and 26, begin a new paragraph and insert:
36 **"(b) A person who ignites, discharges, or uses any fireworks**
37 **intended to be used at a special discharge location at a site other**
38 **than a special discharge location commits a Class D infraction if**

1 **the person has committed no prior offense under this subsection.**
2 **If a person has committed a prior offense under this subsection**
3 **within the five (5) years before the date of the current offense, the**
4 **person commits a Class C infraction."**

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

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

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

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

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

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1996 as introduced.)

and when so amended that said bill do pass.

Representative Crooks