

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1213 be amended to read as follows:

- 1 Page 4, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 3. IC 22-11-14-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Nothing in this
- 4 chapter shall be construed to prohibit:
- 5 (1) any resident wholesaler, manufacturer, importer, or distributor
- 6 from selling:
- 7 (A) at wholesale fireworks not prohibited by this chapter; or
- 8 (B) fireworks not approved for sale in Indiana if they are to be
- 9 shipped directly out of state within five (5) days of the date of
- 10 sale; or
- 11 (C) **common fireworks to a person at least sixteen (16)**
- 12 **years of age;**
- 13 (2) **a retailer from selling common fireworks to a person at**
- 14 **least sixteen (16) years of age;**
- 15 (3) the use of fireworks by railroads or other transportation
- 16 agencies for signal purposes or illumination;
- 17 ~~(3)~~ (4) the sale or use of blank cartridges for:
- 18 (A) a show or theater;
- 19 (B) signal or ceremonial purposes in athletics or sports; or
- 20 (C) use by military organizations;
- 21 ~~(4)~~ (5) the intrastate sale of fireworks not approved for sale in
- 22 Indiana between interstate wholesalers;
- 23 ~~(5)~~ (6) the possession, sale, or disposal of fireworks, incidental to
- 24 the public display of Class B fireworks, by wholesalers or other

1 persons who possess a permit to possess, store, and sell Class B
 2 explosives from the Bureau of Alcohol, Tobacco and Firearms,
 3 United States Department of the Treasury; or
 4 ~~(6)~~ (7) the use of indoor pyrotechnics special effects material
 5 before an indoor or outdoor proximate audience.

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

- 8 (1) is a resident of Indiana;
 9 (2) possesses for resale common fireworks approved or not
 10 approved for sale in Indiana;
 11 (3) is engaged in the interstate sale of common fireworks
 12 described in subdivision (2) as an essential part of a business that
 13 is located in a permanent structure and is open at least six (6)
 14 months each year;
 15 (4) sells common fireworks described in subdivision (2) only to
 16 purchasers who provide a written and signed assurance that the
 17 fireworks are to be shipped out of Indiana within five (5) days of
 18 the date of sale; and
 19 (5) has possession of a certificate of compliance issued by the
 20 state fire marshal under section 5 of this chapter.

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

24 SECTION 4. IC 22-11-14-6 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. A person who
 26 violates section 4(c), 5(c), 5(d), 7, ~~or 8,~~ **or 8.3** of this chapter commits
 27 a Class A misdemeanor.

28 SECTION 5. IC 22-11-14-8.3 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2000]: **Sec. 8.3. A person shall not knowingly**
 31 **or intentionally sell fireworks, at wholesale or at retail, to a person**
 32 **less than sixteen (16) years of age.**

33 SECTION 6. IC 22-11-14-8.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2000]: **Sec. 8.5. A person less than sixteen**
 36 **(16) years of age who purchases fireworks commits:**

- 37 (1) a Class C infraction; and
 38 (2) a delinquent act under IC 31-37-2-7."

39 Page 7, between lines 12 and 13, begin a new paragraph and insert:
 40 "SECTION 11. IC 31-30-1-2 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. Except as provided
 42 in IC 33-5-29.5-4 ~~IC 33-5-35-1-4,~~ and section 8 of this chapter, the
 43 juvenile law does not apply to the following:

- 44 (1) A child at least sixteen (16) years of age who allegedly
 45 committed a violation of a traffic law, the violation of which is a
 46 misdemeanor, unless the violation is an offense under IC 9-30-5.

- 1 (2) A child who is alleged to have committed a violation of a
- 2 statute defining an infraction, except as provided under IC 7.1-5-7
- 3 **and IC 22-11-14-8.5.**
- 4 (3) A child who is alleged to have committed a violation of an
- 5 ordinance.
- 6 (4) A child who:
- 7 (A) is alleged to have committed an act that would be a crime
- 8 if committed by an adult; and
- 9 (B) has previously been waived under IC 31-30-3 (or
- 10 IC 31-6-2-4 before its repeal) to a court having misdemeanor
- 11 or felony jurisdiction.
- 12 SECTION 12. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE
- 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 2000]: **Sec. 7. A child commits a delinquent act if, before**
- 15 **becoming sixteen (16) years of age, the child violates**
- 16 **IC 22-11-14-8.5 concerning minors and the purchase of fireworks."**
- 17 Page 7, line 36, delete "(IC35-43-4-3)" and insert "(IC 35-43-4-3)".
- 18 Page 31, line 37, after ":" insert "**IC 22-11-14-8;**".
- 19 Renumber all SECTIONS consecutively.
- (Reference is to HB 1213 as printed January 21, 2000.)

Representative Tincher