
HOUSE BILL No. 1107

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-11-14; IC 22-14-2-12.

Synopsis: Enforcement of fireworks violations. Makes it a Class C infraction for a person to use certain fireworks and makes it a Class C infraction for a person to use those fireworks after midnight and before 10 a.m. Establishes a state fireworks display fund. Requires 50% of all civil penalties collected from a fireworks infraction violation to be deposited in the fireworks display fund. Establishes a local fireworks display fund from which money may be appropriated by the city, town, or county legislative body for use in a public municipal or county fireworks display.

Effective: July 1, 2000.

Cheney

January 10, 2000, read first time and referred to Committee on Commerce and Economic Development.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1107



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

- 1 SECTION 1. IC 22-11-14-4 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Nothing in this
- 3 chapter shall be construed to prohibit:
- 4 (1) any resident wholesaler, manufacturer, importer, or distributor
- 5 from selling:
- 6 (A) at wholesale fireworks not prohibited by this chapter; or
- 7 (B) fireworks not approved for sale in Indiana if they are to be
- 8 shipped directly out of state within five (5) days of the date of
- 9 sale;
- 10 (2) the use of fireworks by railroads or other transportation
- 11 agencies for signal purposes or illumination;
- 12 (3) the sale or use of blank cartridges for:
- 13 (A) a show or theater;
- 14 (B) signal or ceremonial purposes in athletics or sports; or
- 15 (C) use by military organizations;
- 16 (4) the intrastate sale of fireworks not approved for sale in Indiana
- 17 between interstate wholesalers;



1 (5) the possession, sale, or disposal of fireworks, incidental to the
 2 public display of Class B fireworks, by wholesalers or other
 3 persons who possess a permit to possess, store, and sell Class B
 4 explosives from the Bureau of Alcohol, Tobacco and Firearms,
 5 United States Department of the Treasury; or

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

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

10 (1) is a resident of Indiana;

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

13 (3) is engaged in the interstate sale of common fireworks
 14 described in subdivision (2) as an essential part of a business that
 15 is located in a permanent structure and is open at least six (6)
 16 months each year;

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

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

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

26 SECTION 2. IC 22-11-14-8.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2000]: **Sec. 8.5. (a) This section does not**
 29 **apply to a fireworks:**

30 (1) distributor;

31 (2) manufacturer;

32 (3) retailer; or

33 (4) wholesaler.

34 (b) Except as provided in subsection (c), a person who uses or
 35 possesses fireworks not listed in section 8 of this chapter commits
 36 a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil
 37 judgment for an infraction committed under this subsection must
 38 be imposed as follows:

39 (1) For the first violation, a civil penalty of one hundred
 40 dollars (\$100).

41 (2) For the second violation, a civil penalty of two hundred
 42 dollars (\$200).



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1 **(3) For the third or subsequent violations, a civil penalty of**
 2 **five hundred dollars (\$500).**

3 **(c) A person who uses fireworks not listed in section 8 of this**
 4 **chapter after midnight and before 10 a.m. commits a Class C**
 5 **infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for**
 6 **an infraction committed under this subsection must be imposed as**
 7 **follows:**

8 **(1) For the first violation, a civil penalty of two hundred fifty**
 9 **dollars (\$250).**

10 **(2) For the second or subsequent violations, a civil penalty of**
 11 **five hundred dollars (\$500).**

12 **(d) When the court enters a judgment for an infraction violation**
 13 **under this section, the court shall notify the clerk of the court:**

14 **(1) whether the infraction violation occurred in a municipality**
 15 **(as defined in IC 36-1-2-11);**

16 **(2) if the violation occurred in a municipality, the name of the**
 17 **municipality; and**

18 **(3) the amount of the civil penalty imposed for the infraction**
 19 **violation that is to be deposited under subsection (e)(1).**

20 **Upon collection of a civil penalty for an infraction violation under**
 21 **this section, the clerk shall provide the office of the state fire**
 22 **marshal the information submitted to the clerk by the court under**
 23 **this subsection.**

24 **(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
 25 **under this section must be deposited as follows:**

26 **(1) fifty percent (50%) in the fireworks display fund**
 27 **established by IC 22-14-2-12(a); and**

28 **(2) fifty percent (50%) in the state general fund.**

29 **SECTION 3. IC 22-14-2-12 IS ADDED TO THE INDIANA CODE**
 30 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 31 **1, 2000]: Sec. 12. (a) The state fireworks display fund is established.**
 32 **The state fund shall be administered by the office of the state fire**
 33 **marshal.**

34 **(b) Expenses of administering the state fund shall be paid from**
 35 **money in the state fund.**

36 **(c) The treasurer of state shall invest the money in the state fund**
 37 **not currently needed to meet the obligations of the state fund in the**
 38 **same manner as other public money may be invested.**

39 **(d) Money in the state fund at the end of a state fiscal year does**
 40 **not revert to the state general fund.**

41 **(e) The state fund consists of penalties that are collected and are**
 42 **required to be deposited in the fund under IC 22-11-14-8.5(e)(1).**



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1 (f) The office of the state fire marshal shall record the
2 information provided by the clerk of the court under
3 IC 22-11-14-8.5(d) and keep an accounting of the amount deposited
4 in the state fund for fireworks infraction violations that occurred
5 in each municipality and in each county if the violation did not
6 occur in a municipality. The office of the state fire marshal shall
7 distribute money in the state fund to municipalities and counties in
8 the same proportion as the amount deposited in the state fund from
9 each municipality and county bears to the total amount of money
10 in the state fund. The office of the state fire marshal shall make
11 distributions from the state fund on May 31 and November 30 each
12 year. The money distributed shall be deposited in the local
13 fireworks display fund established under subsection (g).

14 (g) There is established in each municipality and county a local
15 fireworks display fund. The local fund consists of money required
16 to be deposited by the office of the state fire marshal under
17 subsection (f). Money in the local fund does not revert to any fund
18 at the end of a fiscal year. Money from the local fund may be
19 appropriated by the city, town, or county legislative body for use
20 in a public municipal or county fireworks display.

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