

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing and Military Affairs to which was
3 referred House Bill No. 614 entitled “An act relating to the sale and use of
4 fireworks” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 20 V.S.A. § 3132 is amended to read:

8 § 3132. PROHIBITIONS; PERMITS

9 (a) Except as provided in this section, it shall be unlawful for any person,
10 firm, co-partnership, or corporation to do any of the following:

11 (1) ~~Offer~~ offer for sale, expose for sale, sell at retail or wholesale, or
12 possess fireworks unless the person has been issued a permit by both the U.S.
13 Bureau of Alcohol, Tobacco, and Firearms and the municipality in which the
14 person offers for sale and stores the fireworks;

15 (2) ~~Use~~ use, possess, or explode any fireworks unless the person has
16 been issued a permit to display fireworks pursuant to subsection (c) of this
17 section: or purchase fireworks unless at the time of sale the purchaser presents
18 to the seller for inspection a permit to display fireworks issued pursuant to
19 subsection (c) of this section;

20 (3) ~~Transport fireworks except in interstate commerce.~~ [Repealed.]

1 (4) ~~Offer~~ offer for sale or sell ~~hand-held~~ handheld sparklers as described
2 in subdivision 3131(1) of this title to a minor.;

3 (5) ~~Offer~~ offer for sale or sell sparklers that are not in compliance with
4 ~~the United States~~ U.S. Consumer Product Safety Commission regulations.;

5 (6) ~~Purchase~~ purchase fireworks.

6 (b) The ~~state fire marshal~~ State Fire Marshal shall have power to adopt
7 reasonable rules ~~and regulations~~ for granting permits for supervised public
8 displays of fireworks by municipalities, fair associations, amusement parks,
9 and other organizations or groups of individuals.

10 (c) Any display for which a permit is issued shall be handled by a
11 competent operator to be approved by the chiefs of police and fire departments
12 of the municipality in which the display is to be held and shall be of a
13 character, and so located, discharged, or fired as, in the opinion of the chief of
14 the fire department, or in a municipality with no fire department, the
15 selectboard, after proper inspection, shall not be hazardous to property or
16 endanger any person or persons.

17 (d) Application for permits shall be made to the chief of the fire
18 department, or in municipalities with no fire department, the selectboard, in
19 writing, at least 15 days in advance of the date of the display. After the permit
20 has been granted, sales, possessions, use, and distribution of fireworks for the

1 display shall be lawful for that purpose only. No permit granted under this
2 section shall be transferable.

3 (e) A person who sells fireworks at retail shall provide to the purchaser at
4 the time of sale information regarding:

5 (1) the requirement that a permit must be obtained for use, possession,
6 or explosion of fireworks; and

7 (2) the purchaser's obligation to comply with any municipal ordinance
8 regulating use of fireworks.

9 (f)(1) No person shall explode fireworks after 10:00 p.m.

10 (2) A person who violates subdivision (1) of this subsection shall be
11 assessed a civil penalty of not more than \$200.00.

12 (3) Subdivision (1) of this subsection shall not apply:

13 (A) on the following dates: July 3, July 4, December 31, and
14 January 1;

15 (B) to uses permitted by section 3133 of this title; or

16 (C) if the use is permitted by a municipal ordinance.

17 Sec. 2. 4 V.S.A. § 1102 is amended to read:

18 § 1102. JUDICIAL BUREAU; JURISDICTION

19 * * *

20 (b) The Judicial Bureau shall have jurisdiction of the following matters:

21 * * *

1 (28) Violations of 20 V.S.A. § 3132(e), relating to the explosion of
2 fireworks after 10:00 p.m.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE