

HB0378S01 compared with HB0378

~~text~~ shows text that was in HB0378 but was deleted in HB0378S01.

text shows text that was not in HB0378 but was inserted into HB0378S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Candice B. Pierucci proposes the following substitute bill:

FIREWORKS AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions regarding the discharge of fireworks.

Highlighted Provisions:

This bill:

- ▶ provides that fireworks may be discharged between 11 a.m. and 11 p.m. ~~from~~on January 1 ~~through January 3~~.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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53-7-225, as last amended by Laws of Utah 2018, Chapter 189

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-7-225 is amended to read:

53-7-225. Times for sale and discharge of fireworks -- Criminal penalty --

Permissible closure of certain areas -- Maps and signage.

(1) Except as provided in Section 53-7-221, this section supersedes any other code provision regarding the sale or discharge of fireworks.

(2) A person may sell class C common state approved explosives in the state as follows:

- (a) beginning on June 24 and ending on July 25;
- (b) beginning on December 29 and ending on December 31; and
- (c) two days before and on the Chinese New Year's eve.

(3) A person may not discharge class C common state approved explosives in the state except as follows:

(a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:

- (i) beginning on July 2 and ending on July 5; and
- (ii) beginning on July 22 and ending on July 25;

(b) (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day;

or

(ii) if New Year's eve is on a Sunday and the county, municipality, or metro township determines to celebrate New Year's eve on the prior Saturday, then a person may discharge class C common state approved explosives on that prior Saturday within the county, municipality, or metro township; ~~and~~

(c) between the hours of 11 a.m. and 11 p.m. ~~f. beginning~~ on January 1 ~~f and ending on January 3~~; and

~~[(c)] (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.~~

(4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person discharges a class C common state approved explosive:

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- (a) outside the legal discharge dates and times described in Subsection (3); or
- (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).

(5) (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro township, or the state forester may not prohibit a person from discharging class C common state approved explosives during the permitted periods described in Subsection (3).

- (b) (i) As used in this Subsection (5)(b), "negligent discharge":

(A) means the improper use and discharge of a class C common state approved explosive; and

- (B) does not include the date or location of discharge or the type of explosive used.

- (ii) A municipality or metro township may prohibit:

(A) the discharge of class C common state approved explosives in certain areas with hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or

- (B) the negligent discharge of class C common state approved explosives.

(iii) A county may prohibit the negligent discharge of class C common state approved explosives.

(c) The state forester may prohibit the discharge of class C common state approved explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.

(6) If a municipal legislative body, the state forester, or a metro township legislative body provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

(a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b);

- (b) provide the map described in Subsection (6)(a) to:

- (i) each retailer that sells fireworks within the county; and

- (ii) the state fire marshal; and

- (c) publish the map on the county's website.

- (7) A retailer that sells fireworks shall display:

- (a) a sign that:

- (i) is clearly visible to the general public in a prominent location near the point of sale;

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- (ii) indicates the legal discharge dates and times described in Subsection (3); and
- (iii) indicates the criminal charge and fine associated with discharge:
 - (A) outside the legal dates and times described in Subsection (3); and
 - (B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and
- (b) the map that the county provides, in accordance with Subsection (6)(b).