

Senate, March 12, 1998. The Committee on Public Safety reported through SEN. PENN, 23rd DIST., Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING FIREWORKS DISPLAYS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 29-357 of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) Except as provided in subsection (b) of
5 this section, no person, firm or corporation shall
6 offer for sale, expose for sale, sell at retail or
7 use or explode or possess [with intent to sell,
8 use or explode] any fireworks.

9 (b) The State Fire Marshal may adopt
10 reasonable regulations for the granting of permits
11 for supervised displays of fireworks or for the
12 indoor use of pyrotechnics for special effects by
13 municipalities, fair associations, amusement
14 parks, other organizations or groups of
15 individuals or artisans in pursuit of their trade
16 upon application to said State Fire Marshal and
17 after INSPECTION OF THE SITE BY THE LOCAL FIRE
18 MARSHAL TO DETERMINE COMPLIANCE WITH THE
19 REQUIREMENTS OF SAID REGULATIONS AND AFTER
20 approval of the chiefs of the police and fire
21 departments, or, if there is no police or fire
22 department, of the first selectman, of the
23 municipality wherein the display is to be held as
24 is provided in this section, and the filing of a

25 bond by the applicant as provided in section
26 29-358. No such display shall be handled or fired
27 by any person until such person has been granted a
28 certificate of competency by the State Fire
29 Marshal, in respect to which a fee of fifty
30 dollars shall be payable to the State Treasurer
31 when issued and which may be renewed every three
32 years upon payment of a fee of thirty dollars to
33 the State Treasurer, provided such certificate may
34 be SUSPENDED OR revoked by said marshal at any
35 time for cause. Such certificate of competency
36 shall attest to the fact that such operator is
37 competent to fire a display. Such display shall be
38 of such a character and so located, discharged or
39 fired as in the opinion of the [chief of the fire
40 department] CHIEFS OF THE POLICE AND FIRE
41 DEPARTMENTS or such selectman, after proper
42 inspection, will not be hazardous to property or
43 endanger any person or persons. In an aerial bomb,
44 no salute, report or maroon may be used that is
45 composed of a formula of chlorate of potash,
46 sulphur, black needle antimony and dark aluminum.
47 Formulas that may be used in a salute, report or
48 maroon are as follows: (1) Perchlorate of potash,
49 black needle antimony and dark aluminum and (2)
50 perchlorate of potash, dark aluminum and sulphur.
51 No high explosive such as dynamite, fulminate of
52 mercury or other stimulator for detonating shall
53 be used in any aerial bomb or other pyrotechnics.
54 Application for permits shall be made in writing
55 at least fifteen days prior to the date of
56 display, on such notice as the State Fire Marshal
57 by regulation prescribes, on forms furnished by
58 him, and a fee of thirty-five dollars shall be
59 payable to the State Treasurer with each such
60 application. After such permit has been granted,
61 sales, possession, use and distribution of
62 fireworks for such display shall be lawful for
63 that purpose only. No permit granted hereunder
64 shall be transferable. ANY PERMIT ISSUED UNDER THE
65 PROVISIONS OF THIS SECTION MAY BE SUSPENDED OR
66 REVOKED BY THE ISSUING AUTHORITY FOR VIOLATION BY
67 THE PERMITTEE OF ANY PROVISION OF LAW OR
68 REGULATION RELATING TO FIREWORKS.

69 (c) The State Fire Marshal may grant
70 variations or exemptions from, or approve
71 equivalent or alternate compliance with,
72 particular provisions of any regulation issued

73 under the provisions of subsection (b) of this
74 section where strict compliance with such
75 provisions would entail practical difficulty or
76 unnecessary hardship or is otherwise adjudged
77 unwarranted, provided any such variation,
78 exemption, approved equivalent or alternate
79 compliance shall, in the opinion of the State Fire
80 Marshal, secure the public safety and shall be
81 made in writing.

82 (d) Any person, firm or corporation violating
83 the provisions of this section OR REGULATIONS
84 ADOPTED THEREUNDER shall be fined not more than
85 one hundred dollars or imprisoned not more than
86 ninety days or be both fined and imprisoned,
87 except that any person, firm or corporation
88 violating the provisions of subsection (a) of this
89 section by offering for sale, exposing for sale or
90 selling at retail or possessing with intent to
91 sell any fireworks with a value exceeding ten
92 thousand dollars shall be guilty of a class A
93 misdemeanor.

94 PS COMMITTEE VOTE: YEA 21 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SB 221

STATE IMPACT	Minimal Cost and Minimal Revenue Gain, see explanation below
MUNICIPAL IMPACT	None, see explanation below
STATE AGENCY(S)	Department of Public Safety

EXPLANATION OF ESTIMATES:

STATE AND MUNICIPAL IMPACT: The passage of this bill would result in both a minimal cost and a minimal revenue gain to the State, and in no fiscal impact to municipalities. The bill makes mere possession of fireworks a violation, subject to the same penalties as possession with intent to sell, use or explode fireworks. This is anticipated to result in few additional arrests and convictions. In 1996 there were 23 offenses with fines totaling \$2,360.

The bill also requires local fire marshals to inspect fireworks sites before certificates are issued. This is current practice. It requires both the police and fire chiefs, rather than just the fire chief, to determine that the character and location of a fireworks display will not endanger people or property. This would have no fiscal impact on municipalities.

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OLR BILL ANALYSIS

SB 221

AN ACT CONCERNING FIREWORKS DISPLAYS

SUMMARY: Current law prohibits anyone without a Department of Public Safety permit or competency certificate from possessing fireworks with intent to sell, use, or explode them. This bill makes mere possession a violation, subject to the existing penalty for possession with intent to sell, use, or explode fireworks valued at \$10,000 or less--a fine of up to \$100, imprisonment for up to 90 days, or both.

The bill also (1) makes the law comply with current practice by requiring local fire marshals to inspect fireworks sites for compliance with regulations before competency certificates are issued; (2) allows the state fire marshal to suspend or revoke permits for violations; (3) allows the state fire marshal to suspend certificates, instead of just to revoke them; and (4) subjects violators of regulations to the existing penalties for violations of the law. By law, violators may be fined up to \$100, imprisoned for up to 90 days, or both. But if the value of the fireworks is over \$10,000, the violation is a class A misdemeanor, with a fine up to \$2,000, imprisonment for up to one year, or both.

Finally, the bill requires both the police and fire chiefs, instead of just the fire chief, to determine that the character and location of a fireworks display will not endanger people or property.

EFFECTIVE DATE: October 1, 1998

BACKGROUND**Definitions**

The law defines "fireworks" as any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. Fireworks include toy pistols, toy canes, and toy guns if they use explosives but not if they use paper caps

manufactured in accordance with federal regulations.

Permits and Certificates

By law, people conducting fireworks displays must get a permit from the state fire marshal. People handling or operating the displays must get a certificate from the state fire marshal attesting to their competency.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report
Yea 21 Nay 0