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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1774

01/24/2012 Authored by Kriesel, Vogel, Anderson, S. and Westrom

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; regulating the manufacture, sale, and use of fireworks;
1.3 amending Minnesota Statutes 2010, sections 624.21; 624.221.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 624.21, is amended to read:

1.6 **624.21 SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.**

1.7 Subdivision 1. Sale. (a) Except as otherwise provided in sections 624.20 to 624.25,
1.8 it shall be is unlawful for any person to offer for sale, expose for sale, sell at retail or
1.9 wholesale, possess with intent to sell, advertise, use, or explode any fireworks, except
1.10 when the person sells the fireworks, or possesses the fireworks with intent to sell:

1.11 (1) to a person holding a permit under this section;

1.12 (2) to a statutory or home rule charter city, fair association, amusement park, or other
1.13 organization for the purposes of section 624.22;

1.14 (3) to a person who is not a resident of this state; or

1.15 (4) for a purpose specified under paragraph (b) or section 624.23.

1.16 (b) This section shall not be construed to prohibit the possession, use, or explosion
1.17 of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person
1.18 under the engineer's direct supervision when undertaking acoustical testing; or sales
1.19 at wholesale to those persons holding valid permits for a fireworks display from a
1.20 governmental subdivision of the state; or sales outside the state or sales to licensed
1.21 professional engineers for acoustical testing purposes only.

1.22 Subd. 2. Possession and use. (a) A person may not possess or use fireworks without
1.23 a user's permit issued under subdivision 3. A person may not use fireworks under section
1.24 624.20 while attending a fireworks display given by a statutory or home rule charter city,

2.1 fair association, amusement park, or other organization under section 624.22 if the display
2.2 is open to the general public. A person with a user's permit under subdivision 3, paragraph
2.3 (a), may not give a fireworks display that is open to the general public.

2.4 (b) Paragraph (a) does not apply to:

2.5 (1) statutory or home rule charter cities, fair associations, amusement parks, or other
2.6 organizations provided for under section 624.22;

2.7 (2) a person or entity provided for under section 624.23; and

2.8 (3) except as provided in paragraph (c), the possession of fireworks in any statutory
2.9 or home rule charter city while transporting the fireworks to a statutory or home rule
2.10 charter city where the possession of the fireworks is authorized by permit or ordinance.

2.11 (c) Paragraph (a) applies to a person transporting fireworks under paragraph (b),
2.12 clause (3), if, in the course of transporting the fireworks through a statutory or home rule
2.13 charter city, the person remains in that city for a period of at least 12 hours.

2.14 Subd. 3. **Permit.** (a) A municipal clerk of an incorporated municipality or, if
2.15 outside the limits of an incorporated municipality, the county auditor of the county where
2.16 the possession or use of fireworks is to occur may issue a permit to a person or group of
2.17 persons to possess or use fireworks.

2.18 (b) The municipality or county issuing a permit under this subdivision may require
2.19 an indemnity bond with good and sufficient sureties or a policy of liability insurance for
2.20 the payment of all claims that may arise by reason of injuries to person or property from
2.21 the handling, use, or discharge of fireworks under the permit. The bond or policy, if
2.22 required, shall be taken in the name of the municipality or county where the fireworks are
2.23 to be used, and any person injured by the fireworks may bring an action on the bond or
2.24 policy in the person's own name to recover the damage the person has sustained, but the
2.25 aggregate liability of the surety or insurer to all persons shall not exceed the amount of the
2.26 bond or policy. The bond or policy, if required, together with a copy of the permit shall be
2.27 filed in the office of the municipal clerk or county auditor as applicable.

2.28 (c) A permit under this subdivision shall include:

2.29 (1) the name and address of the permit holder;

2.30 (2) the date on and after which fireworks may be purchased;

2.31 (3) the general kind and approximate quantity of fireworks which may be purchased;

2.32 (4) the date and location of permitted use; and

2.33 (5) other special conditions prescribed by ordinance.

2.34 (d) A copy of a permit under this subdivision shall be given to the municipal fire
2.35 or law enforcement official at least two days before the date of authorized use. This
2.36 paragraph does not apply to a permit authorizing only the sale or possession of fireworks

3.1 that are classified by the federal Department of Transportation as Division 1.4 explosives,
 3.2 as defined in Code of Federal Regulations, title 49, section 173.50.

3.3 (e) A permit under this subdivision may not be issued to a minor.

3.4 Subd. 4. **Local ordinances.** (a) An incorporated municipality or county may enact
 3.5 an ordinance for any of the following:

3.6 (1) defining "fireworks" to include fireworks under section 624.20;

3.7 (2) prohibiting the sale, possession, or use, as defined by ordinance, of fireworks; and

3.8 (3) regulating the sale, possession, or use, as defined by ordinance, of fireworks.

3.9 (b) An ordinance under paragraph (a) may not be less restrictive in its coverage,
 3.10 prohibition, or regulation than sections 624.20 to 624.25, but may be more restrictive
 3.11 than those sections.

3.12 (c) A county ordinance enacted under paragraph (a) does not apply and may not be
 3.13 enforced within any incorporated municipality that has enacted or enacts an ordinance
 3.14 under paragraph (a).

3.15 (d) Notwithstanding paragraph (a) or (b), an incorporated municipality or county
 3.16 may not enact an ordinance that prohibits the possession of fireworks in that municipality
 3.17 or county by a person transporting the fireworks according to subdivision 2 to an
 3.18 incorporated municipality or county where the possession of the fireworks is authorized
 3.19 by permit or ordinance.

3.20 Subd. 5. **Parent or legal guardian liability.** A parent or legal guardian of a
 3.21 minor who consents to the use of fireworks by the minor is liable for damages caused by
 3.22 the minor's use of the fireworks.

3.23 Subd. 6. **Municipality and county liability.** An incorporated municipality or
 3.24 county official or employee is not civilly liable for damage to a person or property
 3.25 caused by fireworks for the sole reason that the incorporated municipality or county
 3.26 issued a permit in accordance with the requirements of subdivision 2 and any applicable
 3.27 requirements authorized under subdivision 4 that authorized the purchase, possession,
 3.28 or use of the fireworks.

3.29 Sec. 2. Minnesota Statutes 2010, section 624.221, is amended to read:

3.30 **624.221 EXEMPTIONS FOR LICENSE OR PERMIT HOLDER.**

3.31 (a) Sections 624.20, 624.21, and 624.23 to 624.25 do not apply to:

3.32 (1) the holders of a federal explosives license or permit issued pursuant to United
 3.33 States Code, title 18, chapter 40, or their agents when the holder or agent is acting in
 3.34 compliance with the conditions of licensure; or

4.1 (2) the holders of permits issued pursuant to section 624.22 or their agents, from
4.2 the date of issuance until 20 days after the date of exhibition authorized by the permit,
4.3 when the holder or agent is acting in compliance with the conditions of the permit and
4.4 section 624.22.

4.5 (b) Sections 624.22 and 624.23 to 624.25 do not apply to a holder of a permit issued
4.6 under section 624.21, subdivision 3, from the date of issuance through 20 days after that
4.7 date when the holder of the permit is acting in compliance with the conditions of the
4.8 permit and section 624.21.