

BILL ANALYSIS

H.B. 215
By: Hamric
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Homes, property, and families are subject to fire damage and injury due to unregulated use of fireworks in the unincorporated areas of Harris County. House Bill 215 allows a commissioners court of a county with a population of 3.3 million or more (Harris County) to regulate the sale, possession, or use of fireworks in any part of the unincorporated areas of such county.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1. Amends Subchapter C, Chapter 352, Local Government Code, by adding Section 352.053.

Section 352.053(a): applies only to a county with a population of 3.3 million or more. [Harris County]

Section 352.053(b): defines "fireworks" as any composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation.

Section 352.053(c): excludes cap guns, model rockets, certain charges, novelties, out-of-state fireworks shipments, flares, railway torpedoes, cinematic pyrotechnics, ceremonial pyrotechnics, use by military, and public fireworks displays.

Section 352.053(d): authorizes commissioners court by order to prohibit or otherwise regulate the sale, possession, or use of fireworks in the unincorporated areas of the county.

Section 352.053(e): requires sellers of fireworks in a county adopting a prohibitive or regulatory order to provide at every location reasonable notice of such order and reasonable notice of any area where the sale, possession, or use of fireworks is prohibited or regulated.

Section 352.053(f): requires commissioners court of a county adopting a prohibitive or regulatory order to send a copy of the order to the state fire marshal not later than the 30th day after the date such order is adopted.

Section 352.053(g): requires the state fire marshal to send a copy of each prohibitive or regulatory order to each licensed manufacturer, distributor, and jobber in the affected county not later than the 30th day after the date the state fire marshal receives such order.

Section 352.053(h): creates a Class C misdemeanor where a person knowingly violates a prohibition or regulation established by an order adopted by the commissioners court.

Section 2. Effective date.

EFFECTIVE DATE

September 1, 2003