

1-1 By: Lindsay S.B. No. 430  
1-2 (In the Senate - Filed February 9, 2005; February 15, 2005,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; May 3, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 May 3, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 430 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation of fireworks and fireworks displays in  
1-11 certain populous counties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 2154.003, Occupations Code, is amended  
1-14 by adding Subsection (d) to read as follows:

1-15 (d) In a county with a population of 3.3 million or more, in  
1-16 addition to the items described by Subsection (b), items classified  
1-17 under 49 C.F.R. Section 173.100(r)(2) (10-1-86 edition) as  
1-18 "skyrockets with sticks" and other pyrotechnic devices that have  
1-19 fins or rudders for the purpose of achieving aerodynamic flight,  
1-20 including a device that would be considered a missile or a rocket,  
1-21 are not permissible fireworks.

1-22 SECTION 2. Section 2154.054, Occupations Code, is amended  
1-23 by adding Subsections (g) and (h) to read as follows:

1-24 (g) In reviewing rules under Subsection (e), the council  
1-25 shall recommend to the commissioner changes in the rules to promote  
1-26 public safety and property protection in counties with a population  
1-27 of 3.3 million or more, including changes that could lower  
1-28 insurance costs.

1-29 (h) The council and state fire marshal shall promote  
1-30 cooperation between the fireworks industry and local governments in  
1-31 counties with a population of 3.3 million or more in the  
1-32 establishment of a public awareness and safety campaign regarding  
1-33 fireworks in those counties.

1-34 SECTION 3. Section 2154.252, Occupations Code, is amended  
1-35 by amending Subsection (c) and adding Subsections (c-1) and (c-2)  
1-36 to read as follows:

1-37 (c) In a county other than a county to which Subsection  
1-38 (c-1) applies, fireworks [Fireworks] may not be sold or offered for  
1-39 sale to children under 12 years of age or to an intoxicated or  
1-40 incompetent person.

1-41 (c-1) In a county with a population of 3.3 million or more,  
1-42 fireworks may not be sold or offered for sale to children under 16  
1-43 years of age or to an intoxicated or incompetent person.

1-44 (c-2) A person selling fireworks at retail shall make a  
1-45 reasonable effort to determine that potential purchasers of  
1-46 fireworks are of the applicable minimum age required by this  
1-47 section [subsection].

1-48 SECTION 4. (a) The changes in law made by Sections 1 and 3  
1-49 of this Act apply only to an offense committed on or after the  
1-50 effective date of the applicable section. For purposes of this  
1-51 section, an offense is committed before the effective date of a  
1-52 section of this Act if any element of the offense occurs before that  
1-53 date.

1-54 (b) An offense committed before the effective date of a  
1-55 section of this Act is covered by the applicable law in effect when  
1-56 the offense was committed, and the former law is continued in effect  
1-57 for that purpose.

1-58 SECTION 5. (a) Except as provided by Subsection (b) of  
1-59 this section, this Act takes effect immediately if it receives a  
1-60 vote of two-thirds of all the members elected to each house, as  
1-61 provided by Section 39, Article III, Texas Constitution. If this  
1-62 Act does not receive the vote necessary for immediate effect, this  
1-63 Act takes effect September 1, 2005.

2-1 (b) Section 1 of this Act takes effect January 1, 2006.

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