

By: Harless

H.B. No. 3092

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the sale and use of fireworks by certain counties; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 352, Local Government Code, is amended by adding Section 352.052 to read as follows:

Sec. 352.052. ADDITIONAL REGULATION OF FIREWORKS IN CERTAIN COUNTIES. (a) This section applies only to a county with a population of 3.3 million or more.

(b) To promote public health, safety, and welfare, the commissioners court of a county by order may prohibit or otherwise regulate the sale or use of fireworks in the unincorporated area of the county.

(c) A person who violates a prohibition or regulation adopted by the county under this section is liable to the county for a civil penalty of not more than \$100 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty. A county may bring suit in a district court to recover a civil penalty authorized by this subsection.

(d) A person commits an offense if the person intentionally or knowingly violates a prohibition or regulation adopted under this section by the commissioners court. An offense under this subsection is a Class C misdemeanor.

1 (e) Authority under this section is cumulative of other
2 authority that a county has to regulate the sale or use of fireworks
3 and does not limit that other authority.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.