

By: Quintanilla

H.B. No. 3817

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on the sale of fireworks in certain counties.

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. APPLICABILITY. (a) This section applies only to the unincorporated area of a county that:

(1) has a population of more than 750,000;

(2) has an average annual rainfall of less than 20 inches, according to the United States Geological Survey; and

(3) has no professional fire service provided in the area.

(b) In this section, "resident" means a person who is at least 18 years of age and resides in an area designated under Subsection (c).

(c) The commissioners court of a county to which this section applies may designate an area as subject to possible regulation under this section if:

(1) at one or more locations in the area fireworks have historically been sold at retail to consumers; and

(2) all of the area lies within two miles of any location described by Subdivision (1).

(d) If a petition requesting the prohibition of the sale of

1 fireworks that is signed by at least 500 residents of an area  
2 designated by the commissioners court under Subsection (c) is filed  
3 with a county commissioners court before the 90th day preceding the  
4 date of the beginning of the sale of fireworks as provided by this  
5 code, the court may restrict or prohibit the sale of fireworks  
6 within the area designated.

7 (e) The signatures on a petition filed under Subsection (d)  
8 must be reviewed by the county commissioners court, or its  
9 designee, which shall determine whether at least 500 of the signers  
10 of the petition reside within the area designated under Subsection  
11 (c).

12 (f) If this section conflicts with the provisions of any  
13 other law, this section prevails.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect on the 91st day after the last day of the  
19 legislative session.