

By: Gervin-Hawkins

H.B. No. 3639

Substitute the following for H.B. No. 3639:

By: Coleman

C.S.H.B. No. 3639

A BILL TO BE ENTITLED

1 AN ACT

2 relating to regulation of fireworks stands in certain counties;  
3 creating criminal offenses.

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

5 SECTION 1. Section [352.051](#), Local Government Code, is  
6 amended by adding Subsection (a-1) to read as follows:

7 (a-1) This section does not apply to a county subject to  
8 Section 360.001.

9 SECTION 2. Subtitle B, Title 11, Local Government Code, is  
10 amended by adding Chapter 360 to read as follows:

11 CHAPTER 360. MISCELLANEOUS PROVISIONS RELATING TO COUNTY PUBLIC  
12 SAFETY

13 Sec. 360.001. REGULATION OF FIREWORKS STANDS IN CERTAIN  
14 POPULOUS COUNTIES. (a) In this section:

15 (1) "Retail fireworks site" means a retail location  
16 for which a person has obtained a current retail fireworks permit  
17 under Section [2154.202](#), Occupations Code, to sell fireworks.

18 (2) "Retail fireworks stand" means a structure that is  
19 a retail fireworks site from which fireworks are sold over the  
20 counter to members of the general public who always remain outside  
21 of the structure.

22 (b) This section applies only to the unincorporated area of  
23 a county with a population of more than 1.5 million in which more  
24 than 75 percent of the population lives in a single municipality.

1       (c) A retail fireworks stand may not be located:

2               (1) within 2,500 feet of the corporate boundary of a  
3 municipality; or

4               (2) within 500 feet of any residential property.

5       (d) The person who obtains a retail fireworks permit under  
6 Section 2154.202, Occupations Code, applicable to a retail  
7 fireworks stand shall ensure that a sign is conspicuously posted on  
8 the outside of the stand that provides contact information,  
9 including a mailing address, where a member of the public may submit  
10 a complaint to the county fire marshal relating to any alleged  
11 unsafe operation of the stand or any alleged nuisance resulting  
12 from the operation of the stand. The sign must be at least 24 inches  
13 high by 36 inches wide and must be printed in lettering at least two  
14 inches high. The commissioners court of a county by order may  
15 require additional signs to be provided in a language other than  
16 English if the commissioners court determines that it is likely  
17 that a substantial number of residents of the unincorporated area  
18 speak a language other than English as their familiar language.

19       (e) If the county fire marshal receives a complaint from a  
20 member of the public as provided for under Subsection (d), the  
21 county fire marshal shall make a determination whether the  
22 complaint is valid and promptly notify the permit holder for the  
23 retail fireworks stand.

24       (f) The permit holder shall cooperate with the county fire  
25 marshal to resolve each complaint determined valid by the county  
26 fire marshal under Subsection (e). Not later than the third  
27 business day after the date the county fire marshal notifies the

1 permit holder that a complaint is valid, the permit holder must  
2 resolve the complaint or remove the retail fireworks stand.

3 (g) A permit holder who fails to take appropriate action  
4 within the period prescribed by Subsection (f) commits an offense.  
5 An offense under this subsection is a Class C misdemeanor.

6 (h) A person who knowingly files a baseless complaint under  
7 this section commits an offense. The penalty for a first offense  
8 under this subsection is a warning citation. A subsequent offense  
9 under this subsection is a Class C misdemeanor.

10 (i) The structure for a retail fireworks stand may not be  
11 placed on a site more than 15 days before fireworks are authorized  
12 for sale by law. The structure for a retail fireworks stand must be  
13 removed from a site not later than 15 days after the last day  
14 fireworks are authorized for sale by law.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.