

By: Gervin-Hawkins

H.B. No. 3639

A BILL TO BE ENTITLED

AN ACT

relating to county authority to regulate fireworks.

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

SECTION 1. The heading to Section 352.051, Local Government Code, is amended to read as follows:

Sec. 352.051. REGULATION OF [RESTRICTED] FIREWORKS.

SECTION 2. Sections 352.051(c), (f), and (g), Local Government Code, are amended to read as follows:

(c) ~~The [Upon a determination under this section that drought conditions exist on average in a specified county, the] commissioners court of a [the] county by order may prohibit or restrict the sale or use of [restricted] fireworks in the unincorporated area of the county. [In addition, during the December fireworks season, the commissioners court of a county by order may restrict or prohibit the sale or use of restricted fireworks in specified areas when conditions on rural acreage in the county not under cultivation for a period of at least 12 months are determined to be extremely hazardous for the danger of fire because of high grass or dry vegetation.]~~

(f) When a county issues an order restricting or prohibiting the sale or use of [restricted] fireworks under this section, the county may designate one or more areas of appropriate size and accessibility in the county as safe areas where the use of [restricted] fireworks is not prohibited, and the legislature

1 encourages a county to designate such an area for that  
2 purpose. The safe area may be provided by the county, a  
3 municipality within the county, or an individual, business, or  
4 corporation. A safe area may be designated in and provided in the  
5 geographic area of the regulatory jurisdiction of a municipality if  
6 the activity conducted in the safe area is authorized by general law  
7 or a municipal regulation or ordinance. An area is considered safe  
8 if adequate public safety and fire protection services are provided  
9 to the area. A county, municipality, individual, business, or  
10 corporation is not liable for injuries or damages resulting from  
11 the designation, maintenance, or use of the safe area.

12 (g) A person selling [~~any type of~~] fireworks[~~, including~~  
13 ~~restricted fireworks,~~] in a county that has adopted an order  
14 prohibiting or restricting the use of fireworks under Subsection  
15 (c) shall, at every location at which the person sells fireworks in  
16 the county, provide reasonable notice of the order and reasonable  
17 notice of any location designated under Subsection (f) as a safe  
18 area.

19 SECTION 3. Sections 352.051(a), (b), (e), and (j), Local  
20 Government Code, are repealed.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2017.