

By: Frullo

H.B. No. 3907

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for and inspection of a retail fireworks site.

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

SECTION 1. Section 2154.001, Occupations Code, is amended by adding Subdivisions (9-a), (16-a), and (16-b) to read as follows:

(9-a) "Indoor retail fireworks site" means a retail fireworks site, other than a retail stand, that sells fireworks 1.4G from a building or structure.

(16-a) "Retail fireworks site" means a location that has a valid retail fireworks permit issued under Section 2154.202.

(16-b) "Retail stand" means a retail fireworks site that sells fireworks 1.4G over the counter to members of the general public who always remain outside the structure.

SECTION 2. Subchapter E, Chapter 2154, Occupations Code, is amended by adding Section 2154.2025 to read as follows:

Sec. 2154.2025. INSPECTION OF RETAIL FIREWORKS SITE; FEES.

(a) For purposes of this section, the local fire prevention officer with jurisdiction is:

(1) except as provided by Subdivision (2), the county fire marshal, if the county in which the retail fireworks site is located has appointed a county fire marshal; or

(2) the fire prevention officer of the emergency

1 services district in which the retail fireworks site is located, if
2 the county in which the retail fireworks site is located has not
3 appointed a county fire marshal or the county fire marshal in that
4 county requests the emergency services district to conduct the
5 inspection.

6 (b) If otherwise authorized under state law, a local fire
7 prevention officer may inspect a retail fireworks site.
8 Notwithstanding any other law, if a local fire prevention officer
9 is authorized under state law to assess a fee for performing an
10 inspection of a retail fireworks site, the inspection fee:

11 (1) may be assessed for a particular retail fireworks
12 site only once during a calendar year;

13 (2) if assessed, shall be assessed and collected only
14 by the local fire prevention officer with jurisdiction over the
15 retail fireworks site; and

16 (3) may not exceed the fee established by 28 T.A.C.
17 Section 34.340 for an inspection conducted by the state fire
18 marshal.

19 (c) To the extent of a conflict between this section and
20 other state law, this section prevails.

21 SECTION 3. Chapter 2154, Occupations Code, is amended by
22 adding Subchapter E-1 to read as follows:

23 SUBCHAPTER E-1. INDOOR RETAIL FIREWORKS SITES

24 Sec. 2154.221. FREE-STANDING STRUCTURE. The fireworks
25 sales building of an indoor retail fireworks site shall be a
26 free-standing durable structure with only one story of space
27 accessible to the public. The fireworks sales building of a site

1 shall not be a tent, boat, or mobile vehicle. The fireworks sales
2 area of a site shall not be part of a multi-use or multi-tenant
3 building.

4 Sec. 2154.222. SALES DISPLAY AREA. The sales display area
5 of an indoor retail fireworks site shall be sufficiently designed
6 to prevent customers from handling fireworks unless an attendant is
7 directly assisting the customer.

8 Sec. 2154.223. OFFICE AREA. An office area used for the
9 operation of an indoor retail fireworks site that is separated by a
10 one-hour fire-rated wall from the fireworks sales or storage area
11 may be exempted by commissioner rule from the distance requirements
12 prescribed by commissioner rule if the office area is reported to
13 and reviewed by the state fire marshal.

14 Sec. 2154.224. COMPLIANCE WITH SUBCHAPTER. Compliance with
15 this subchapter may be addressed in an inspection conducted under
16 Section 2154.2025.

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