

1-1 By: Frullo (Senate Sponsor - Perry) H.B. No. 3907
 1-2 (In the Senate - Received from the House May 10, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on
 1-4 Agriculture, Water & Rural Affairs; May 17, 2017, reported
 1-5 favorably by the following vote: Yeas 6, Nays 0; May 17, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to certain requirements of retail fireworks sites and
 1-19 inspections of those sites and assessment and collection of certain
 1-20 existing inspection fees by local fire prevention officers.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2154.001, Occupations Code, is amended
 1-23 by adding Subdivisions (9-a), (16-a), and (16-b) to read as
 1-24 follows:

1-25 (9-a) "Indoor retail fireworks site" means a retail
 1-26 fireworks site, other than a retail fireworks stand, that sells
 1-27 Fireworks 1.4G from a building or structure.

1-28 (16-a) "Retail fireworks site" means a retail location
 1-29 for which a person has obtained a current retail fireworks permit
 1-30 under Section 2154.202 to sell fireworks.

1-31 (16-b) "Retail fireworks stand" means a structure that
 1-32 is a retail fireworks site from which Fireworks 1.4G are sold over
 1-33 the counter to members of the general public who always remain
 1-34 outside of the structure.

1-35 SECTION 2. Subchapter E, Chapter 2154, Occupations Code, is
 1-36 amended by adding Section 2154.2025 to read as follows:

1-37 Sec. 2154.2025. INSPECTION OF RETAIL FIREWORKS SITES. (a)
 1-38 In this section:

1-39 (1) "Fire or life safety hazard" has the meaning
 1-40 assigned by Section 352.016, Local Government Code.

1-41 (2) "Local fire prevention officer" means:

1-42 (A) a county fire marshal; or

1-43 (B) a fire prevention officer of an emergency
 1-44 services district.

1-45 (b) A local fire prevention officer may inspect a retail
 1-46 fireworks site for a fire or life safety hazard and assess and
 1-47 collect an inspection fee under Section 352.016, Local Government
 1-48 Code, or Section 775.040, Health and Safety Code, as applicable,
 1-49 for that inspection if:

1-50 (1) the local fire prevention officer is authorized to
 1-51 conduct the inspection under Chapter 352, Local Government Code, or
 1-52 Chapter 775, Health and Safety Code, as applicable; and

1-53 (2) the local fire prevention officer is:

1-54 (A) a county fire marshal of the county in which
 1-55 the site is located; or

1-56 (B) a fire prevention officer of an emergency
 1-57 services district in which the site is located provided:

1-58 (i) the county in which the site is located
 1-59 has not appointed a county fire marshal; or

1-60 (ii) the county fire marshal of the county
 1-61 in which the site is located requests the fire prevention officer to

2-1 conduct the inspection.

2-2 (c) A local fire prevention officer who inspects a retail
 2-3 fireworks site for a fire or life safety hazard as authorized by
 2-4 Chapter 352, Local Government Code, or Chapter 775, Health and
 2-5 Safety Code, as applicable, may assess the inspection fee provided
 2-6 by Section 352.016, Local Government Code, or by Section 775.040,
 2-7 Health and Safety Code, as applicable, and collect payment of that
 2-8 fee from the person who obtained a retail fireworks permit under
 2-9 Section 2154.202 to sell fireworks at the site. The inspection fee
 2-10 may not exceed:

2-11 (1) \$100, if the largest building at the site is less
 2-12 than 25,000 square feet, plus \$25 for each additional building,
 2-13 other than the largest building, located at the site;

2-14 (2) \$200, if the largest building at the site is 25,000
 2-15 square feet or more, but less than 100,000 square feet, plus \$25 for
 2-16 each additional building, other than the largest building, located
 2-17 at the site; and

2-18 (3) \$300, if the largest building at the site is
 2-19 100,000 square feet or more, plus \$25 for each additional building,
 2-20 other than the largest building, located at the site.

2-21 (d) An inspection fee under Section 352.016, Local
 2-22 Government Code, or Section 775.040, Health and Safety Code, as
 2-23 applicable, may be assessed and collected for the inspection of a
 2-24 retail fireworks site for a fire or life safety hazard only:

2-25 (1) once in a calendar year for that site; and

2-26 (2) by a local fire prevention officer authorized
 2-27 under Subsection (b) to inspect the site for a fire or life safety
 2-28 hazard and to assess and collect an inspection fee.

2-29 (e) A local fire prevention officer who inspects a retail
 2-30 fireworks site for a fire or life safety hazard may determine
 2-31 whether the site complies with the requirements of Sections
 2-32 2154.221 and 2154.222.

2-33 (f) Except as otherwise provided by Subsection (e), this
 2-34 section does not grant additional authority to a local fire
 2-35 prevention officer.

2-36 (g) This section does not limit the authority of a local
 2-37 fire prevention officer to conduct an inspection of a retail
 2-38 fireworks site for a fire or life safety hazard more than once in a
 2-39 calendar year provided that the site is assessed an inspection fee
 2-40 not more than once in that calendar year and the inspection complies
 2-41 with other requirements of this section.

2-42 (h) To the extent of any conflict between this section and
 2-43 Chapter 352, Local Government Code, or Chapter 775, Health and
 2-44 Safety Code, this section controls.

2-45 SECTION 3. Chapter 2154, Occupations Code, is amended by
 2-46 adding Subchapter E-1 to read as follows:

2-47 SUBCHAPTER E-1. INDOOR RETAIL FIREWORKS SITES

2-48 Sec. 2154.221. FIREWORKS SALES BUILDING. The fireworks
 2-49 sales building of an indoor retail fireworks site must be a
 2-50 freestanding durable structure with only one story of the building
 2-51 accessible to the public. The fireworks sales building of an indoor
 2-52 retail fireworks site may not be:

2-53 (1) a tent, boat, or mobile vehicle; or

2-54 (2) part of a multiuse or multi-tenant building.

2-55 Sec. 2154.222. SALES DISPLAY AREA. The sales display area
 2-56 of an indoor retail fireworks site must be sufficiently designed to
 2-57 prevent customers from handling fireworks unless an attendant is
 2-58 directly assisting the customer.

2-59 Sec. 2154.223. OFFICE AREA EXEMPTION. The commissioner may
 2-60 exempt the office area used in the operation of an indoor retail
 2-61 fireworks site from commissioner rules prescribing distance
 2-62 requirements between fireworks storage and inhabited buildings if,
 2-63 after inspecting the office area at the request of the permit holder
 2-64 for the site, the state fire marshal confirms and reports to the
 2-65 commissioner that the office area is separated by a one-hour
 2-66 fire-rated wall from any fireworks sales or storage area.

2-67 SECTION 4. This Act takes effect immediately if it receives
 2-68 a vote of two-thirds of all the members elected to each house, as
 2-69 provided by Section 39, Article III, Texas Constitution. If this

3-1 Act does not receive the vote necessary for immediate effect, this
3-2 Act takes effect September 1, 2017.

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