

SENATE BILL NO. 73

1/07 Introduced  
1/07 Referred to Public Health, Welfare & Safety  
1/28 Hearing  
2/06 Tabled in Committee

1                    SENATE BILL NO. 73  
 2    INTRODUCED BY R. MANNING  
 3  
 4    A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE  
 5    "FIRECRACKERS"; TO PROHIBIT AERIAL FIREWORKS EXCEPT IN  
 6    AUTHORIZED PUBLIC DISPLAYS; TO REQUIRE FIREWORKS WHOLESALERS  
 7    TO OBTAIN PERMITS; AMENDING SECTIONS 50-37-101 AND 50-37-103  
 8    THROUGH 50-37-105, MCA; AND PROVIDING AN EFFECTIVE DATE."  
 9  
 10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11        Section 1. Section 50-37-101, MCA, is amended to read:  
 12        "50-37-101. Fireworks and firecrackers defined. (1)  
 13        The term "fireworks" means any combustible or explosive  
 14        composition or any substance, combination of substances, or  
 15        article prepared for the purpose of producing a visible or  
 16        audible effect by combustion, explosion, deflagration, or  
 17        detonation and includes sky rockets, roman candles, daygo  
 18        bombs, blank cartridges, toy cannons, toy canes, or toy guns  
 19        in which explosives other than toy paper caps or party  
 20        poppers are used, firecrackers, torpedoes, sparklers or  
 21        other fireworks of like construction, any fireworks  
 22        containing any explosive or flammable compound, or any  
 23        tablets or other device containing any explosive substance.  
 24        (2) The term "firecrackers" includes:  
 25        (a) items fitting within the federal class C

1    explosives definition in 49 CFR 173.100(r)(10), as that  
 2    provision read on July 1, 1985; and  
 3            (b) any paper-wrapped or cardboard container having  
 4    pyrotechnic composition and an igniting fuse designed to  
 5    produce a bang, report, or other noise accompanied by a  
 6    flash of light, whether or not it may also whistle, scream,  
 7    smoke, fly through the air, or chase about the ground."  
 8        Section 2. Section 50-37-103, MCA, is amended to read:  
 9        "50-37-103. Unlawful sale, transportation, or use of  
 10        fireworks. (1) It is unlawful to possess, sell, transport,  
 11        or use any fireworks within the state except as provided in  
 12        this chapter.  
 13            (2) It is unlawful for an individual under the age of  
 14        18 to possess for sale, sell, or offer for sale within the  
 15        state permissible fireworks enumerated in 50-37-105.  
 16            (3) It is unlawful for a wholesaler to sell or offer  
 17        for sale within the state fireworks except-as-enumerated-in  
 18        without a current fireworks wholesaler permit or in  
 19        violation of 50-37-105. It is lawful for a wholesaler,  
 20        however, to transport fireworks within Montana for sale  
 21        outside of the state.  
 22            (4) It is unlawful for an individual, firm,  
 23        partnership, or corporation to discharge or cause to be  
 24        discharged any pyrotechnics within the exterior boundaries  
 25        of a state forest, state park, or state recreation area."

1 Section 3. Section 50-37-104, MCA, is amended to read:

2 "50-37-104. Lawful sales or uses of fireworks --  
3 wholesaler's permit. It (1) Subject to subsection (2), it is  
4 lawful for an individual, firm, partnership, corporation, or  
5 association to possess for sale, sell or offer for sale at  
6 retail, or use within the state the permissible fireworks  
7 enumerated in 50-37-105.

8 (2) Before a fireworks wholesaler may lawfully possess  
9 for sale, offer for sale, or sell within the state the  
10 permissible fireworks enumerated in 50-37-105, the  
11 wholesaler must obtain a fireworks wholesaler permit from  
12 the department of commerce.

13 (3) A person making application for a fireworks  
14 wholesaler permit shall:

15 (a) pay an application fee to the department of  
16 commerce, which must be set by the department of commerce  
17 commensurate with costs; and

18 (b) furnish proof under oath, on a form provided by  
19 the department of commerce, that he:

20 (i) is at least 18 years of age;

21 (ii) is of good moral character; and

22 (iii) has not been convicted of a crime involving the  
23 use, possession, or sale of fireworks.

24 (4) The department of commerce shall adopt rules  
25 implementing this section."

1 Section 4. Section 50-37-105, MCA, is amended to read:

2 "50-37-105. Permissible fireworks. Permissible  
3 fireworks, excluding sky rockets, roman candles, daygo  
4 bombs, firecrackers, and bottle rockets, mine shells,  
5 helicopter type spinners, and other aerial devices  
6 constituting fireworks, include and are limited to the  
7 following:

8 ~~{1} helicopter type spinners, the total pyrotechnic~~  
9 ~~composition not to exceed 20 grams each in weight;~~

10 {2}{1} cylindrical fountains, the total pyrotechnic  
11 composition not to exceed 25 grams each in weight and the  
12 inside tube diameter not to exceed three-fourths of an inch;

13 {3}{2} cone fountains, the total pyrotechnic  
14 composition not to exceed 50 grams each in weight;

15 {4}{3} wheels, the total pyrotechnic composition not  
16 to exceed 60 grams in weight for each driver unit (but there  
17 may be any number of drivers on any one wheel) and the  
18 inside bore of driver tubes not to be over one-half of an  
19 inch;

20 {5}{4} illuminating torches and colored fire in any  
21 form, the total pyrotechnic composition not to exceed 100  
22 grams each in weight;

23 {6}{5} sparklers and dipped sticks, the total  
24 pyrotechnic composition not to exceed 100 grams each in  
25 weight (pyrotechnic composition containing any chlorate not

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1 to exceed 5 grams); and  
2 (7)(6) whistles without report, the total pyrotechnic  
3 composition not to exceed 40 grams each in weight."  
4 NEW SECTION. Section 5. Effective date. This act is  
5 effective January 1, 1986.

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