

FIRST REGULAR SESSION

# SENATE BILL NO. 672

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2022S.011

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### AN ACT

To repeal section 320.126, RSMo, and to enact in lieu thereof two new sections relating to fireworks, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 320.126, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 320.126 and 320.133, to read as follows:

320.126. 1. Any person possessing or transporting special fireworks into the state of Missouri for the purpose of resale or to conduct a special firework display shall be licensed by the state fire marshal as a distributor.

2. Possession and sale of special fireworks shall be limited to a holder of a federal license or a distributor or manufacturer permit issued for special fireworks displays.

3. Possession of special fireworks for resale to holders of a permit for public display shall be confined to holders of a state manufacturer or distributor permit.

4. Permits for public displays for special fireworks may be granted to municipalities, fair associations, amusement parks, organizations, firms, **businesses**, or corporations. Such permits may be granted upon application and approval by the state fire marshal or local fire service authorities of the community where the display is proposed to be held. Every such display shall be located, discharged, or fired so as in the opinion of the chief of the fire department, after proper inspection, to not be hazardous to any person or property. **Should a display be within an enclosed building, the building shall be required to possess a permit issued by the**

**state fire marshal or local fire service authorities, authorizing displays of special fireworks.** After a permit has been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. A copy of all permits issued for special fireworks displays shall be forwarded to the state fire marshal's office. No permit granted hereunder shall be transferable. **Under no circumstances shall a permit be issued for an enclosed venue which has a maximum occupancy of less than three thousand, or any enclosed venue with a floor to ceiling height of less than forty feet. Any person who violates the provisions of this subsection shall be guilty of a class A misdemeanor.**

5. Before any permit for a special fireworks display shall be issued, the municipality, fair association, amusement park, organization, firm, **business**, or corporation making application therefor shall furnish proof of financial responsibility to the permitting authority in order to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm, **business**, or corporation or any agent or employee thereof.

**320.133. 1. No firework shall be discharged between the hours of 10:00 p.m. and 8:00 a.m. However, the seven days preceding and following July fourth and the three days preceding and following New Years Eve of each year, discharge of fireworks shall only be prohibited between the hours of 12:00 a.m. and 8:00 a.m. The governing body of any city, town, or village may grant exemptions to this provision. Any political subdivision may enact more stringent regulations than this section established.**

**2. Any person discharging fireworks in an imprudent, disorderly, or reckless manner shall be in violation of this section.**

**3. Any person in violation of this section is guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine of not more than two hundred fifty dollars.**