

SENATE BILL NO. 21

INTRODUCED BY M. COLE

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY GOVERNING BODIES TO BAN THE SALE AND USE OF FIREWORKS UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 7-33-2205, 7-33-2206, AND 50-37-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-33-2205, MCA, is amended to read:

"7-33-2205. Establishment of fire season -- permit requirements -- regulation of sale and use of fireworks. (1) ~~The~~ A county governing body may in its discretion establish fire seasons annually, during which ~~no~~ a person may not ignite or set ~~any~~ a forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set ~~such~~ the fire from the recognized protection agency for that protection area.

(2) A county governing body may in its discretion ban the sale and use of fireworks, as defined in 50-37-101, in the county or any part of the county that is not contained within the limits of an incorporated city or town if the governing body finds that the ban is necessary to protect the lives, homes, or property of county residents."

Section 2. Section 7-33-2206, MCA, is amended to read:

"7-33-2206. Violations. (1) ~~Any~~ A person who purposely or knowingly ignites or sets ~~any~~ a forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within any forest, range, or cropland subject to the provisions of this part without first having obtained a written permit to ignite or set ~~such~~ the fire is guilty of a misdemeanor.

(2) A person who purposely or knowingly sells or uses fireworks in violation of a ban on the sale and use of fireworks adopted by a county governing body is guilty of a misdemeanor."

Section 3. Section 50-37-102, MCA, is amended to read:



1 **"50-37-102. ~~Where~~ When chapter not to apply.** (1) ~~Nothing in this~~ This chapter shall may not be
2 construed to prohibit the sale of any kind of fireworks to a person holding a permit issued under 50-37-107
3 at the display covered by ~~such permits~~ the permit, the use of fireworks by railroads or other transportation
4 agencies for signal purposes or illumination or when used in quarrying or blasting or other industrial use,
5 or the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics
6 or sports, or for use by military organizations or organizations composed of veterans of the United States
7 armed forces.

8 (2) This chapter does not apply to toy paper caps containing less than one-fourth of a grain of
9 explosive composition per cap, to the manufacture, storage, sale, or use of signals necessary for the safe
10 operation of railroads or other classes of public or private transportation, to the military or naval forces of
11 the United States or this state, to peace officers, or to the sale or use of blank cartridges for ceremonial,
12 theatrical, or athletic events.

13 (3) ~~Nothing in this~~ This chapter ~~authorizes~~ does not authorize the sale of fireworks in a city, ~~or~~
14 town, or county that has banned the sale of fireworks within the city, ~~or town, or county~~ as authorized
15 in 7-33-2205 and 7-33-4206."

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17 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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