60th Legislature

1	HOUSE BILL NO. 535
2	INTRODUCED BY K. FUREY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY GOVERNING BODY TO REGULATE OR
5	PROHIBIT THE EXPLOSION, USE, OR SALE OF FIREWORKS IN THE GOVERNING BODY'S
6	JURISDICTIONAL AREA; AMENDING SECTION 50-37-102, MCA; AND PROVIDING AN IMMEDIATE
7	EFFECTIVE DATE."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	NEW SECTION. Section 1. County regulation of fireworks. A county governing body may, by
12	resolution, regulate or prohibit the explosion, use, or sale of fireworks, as defined in 50-37-101, within the
13	governing body's jurisdictional area.
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15	Section 2. Section 50-37-102, MCA, is amended to read:
16	"50-37-102. Where When chapter not to apply. (1) Nothing in this This chapter shall may not be
17	construed to prohibit:
18	(a) the sale of any kind of fireworks to a person holding a permit issued under 50-37-107 at the display
19	covered by such permits, for which the permit was issued;
20	(b) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination
21	or when used in quarrying or blasting or other industrial use <u>;</u> or
22	(c) the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics
23	or sports, or for use by military organizations or organizations composed of veterans of the United States armed
24	forces.
25	(2) This chapter does not apply to:
26	(a) toy paper caps containing less than one-fourth of a grain of explosive composition per cap <del>i, to</del>
27	(b) the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other
28	classes of public or private transportation; <del>, to</del>
29	(c) the military or naval forces of the United States or this state; to
30	(d) peace officers; <del>,</del> or
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1	(e) to the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.
2	(3) Nothing in this This chapter authorizes does not authorize the sale of fireworks in a county, city, or
3	town that has banned the sale of fireworks within the county, city, or town as authorized in [section 1] or
4	7-33-4206."
5	
6	NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
7	integral part of Title 7, chapter 33, part 22, and the provisions of Title 7, chapter 33, part 22, apply to [section 1].
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9	NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
10	- END -

