

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF AERIAL LUMINARIES DURING
5 WILDFIRE SEASON OR AN EXTENSION OF WILDFIRE SEASON; DEFINING "AERIAL LUMINARY";
6 AMENDING SECTIONS 7-33-4206 AND 50-37-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Aerial luminaries prohibited during wildfire season.** (1) A person may
12 not ignite or otherwise use an aerial luminary during the wildfire season as defined in 76-13-102 or during an
13 extension of the wildfire season declared under 76-13-203.

14 (2) For the purposes of this section, "aerial luminary" means an airborne paper lantern containing a small
15 candle or other device for fuel that heats air from inside the lantern causing the lantern to rise into the air and
16 remain airborne until the candle or other device extinguishes.

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18 **Section 2.** Section 7-33-4206, MCA, is amended to read:

19 **"7-33-4206. Regulation of bonfires, fireworks, and other fire-causing agents.** ~~The~~ Except as
20 provided in [section 1], the city or town council has power to regulate or prohibit the building of bonfires or the
21 explosion, use, or selling of fireworks, firecrackers, torpedoes, other pyrotechnics, or toy pistols or guns within
22 the city or town."

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24 **Section 3.** Section 50-37-101, MCA, is amended to read:

25 **"50-37-101. Fireworks defined.** The term "fireworks" means any combustible or explosive composition
26 or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible
27 effect by combustion, explosion, deflagration, or detonation, and The term includes sky rockets, roman candles,
28 daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps
29 are used, ~~the type of balloons which require fire underneath to propel them,~~ firecrackers, torpedoes, sparklers
30 or other fireworks of ~~like~~ similar construction, any fireworks containing any explosive or flammable compound,

1 ~~or~~ any tablets or other device containing any explosive substance, or, except for aerial luminaries as defined in
2 [section 1], balloons that require fire underneath to propel them."

3
4 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 50, chapter 37, part 1, and the provisions of Title 50, chapter 37, part 1, apply to [section 1].

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7 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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