

AMENDMENTS TO SENATE BILL NO. 932

Sponsor: SENATOR BROWNE

Printer's No. 1358

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 providing for fireworks;

3 Amend Bill, page 1, lines 6 through 8, by striking out all of
4 said lines and inserting

5 Section 1. Title 35 of the Pennsylvania Consolidated
6 Statutes is amended by adding a chapter to read:

7 CHAPTER 59

8 FIREWORKS

9 Sec.

10 5901. Definitions.

11 5902. Prohibition option.

12 5903. Penalties on users of fireworks.

13 § 5901. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Consumer fireworks." As defined in section 2401 of the act
18 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
19 1971.

20 "Municipality." As defined in section 2401 of the Tax Reform
21 Code of 1971.

22 § 5902. Prohibition option.

23 (a) Prohibition.--Notwithstanding Article XXIV of the act of
24 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
25 1971, a city or township enumerated under this subsection shall
26 have the option to prohibit the use of consumer fireworks within
27 the city or township by delivering an ordinance or resolution of
28 the city's or township's governing body to the Department of
29 Agriculture no sooner than 60 days after the effective date of
30 this section. Consumer fireworks may not be used in a city or
31 township that has exercised the option to prohibit use of
32 consumer fireworks under this section. For purposes of this
33 subsection a city or township shall include the following:

34 (1) A city of the first class, second class, second
35 class A and third class which has a population, based on the
36 most recent Federal decennial census, of at least 58,000; or

37 (2) A second class township which has a population,

1 based on the 2010 Federal decennial census, of at least
2 60,000 and no more than 70,000 located in a county of the
3 second class A.

4 (b) Rescission of prohibition.--A city or township that
5 prohibits the use of consumer fireworks within the city or
6 township under subsection (a) may rescind the prohibition by
7 delivering a new resolution of the city's or township's
8 governing body to the Department of Agriculture.

9 § 5903. Penalties on users of fireworks.

10 (a) Violation.--A person using consumer fireworks in
11 violation of the provisions of this chapter commits a summary
12 offense and, upon conviction, shall be punished by a fine of
13 \$500.

14 (b) Second or subsequent offense.--A person using consumer
15 fireworks in violation of the provisions of this chapter for a
16 second or subsequent offense shall be punished by a fine of
17 \$1,000.

18 (c) Additional penalty.--In addition to the penalty under
19 subsection (b), each firework in possession of a person using
20 fireworks in violation of the provisions of this chapter for a
21 second or subsequent offense shall be confiscated and disposed
22 of by law enforcement.

23 (d) Money collected from fines.--Notwithstanding any other
24 provision of law to the contrary, money collected from fines
25 under this section shall be retained by the municipality where
26 the violation occurred to be used by law enforcement to increase
27 enforcement actions related to violations under this section.

28 Section 2. The definition of "volunteer firefighters' relief
29 association" in section 7412 of Title 35 is amended to read:

30 Amend Bill, page 2, line 7, by striking out "2" and inserting

31 3

32 Amend Bill, page 2, line 7, by striking out "in 60 days." and
33 inserting

34 as follows:

35 (1) The amendment of the definition of "volunteer
36 firefighters' relief association" in 35 Pa.C.S. § 7412 shall
37 take effect in 60 days.

38 (2) The remainder of this act shall take effect
39 immediately.