

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 932 Session of 2019

INTRODUCED BY BOSCOLA, BREWSTER, YUDICHAK, BROWNE, BAKER, MARTIN, MASTRIANO, PHILLIPS-HILL, PITTMAN AND J. WARD, OCTOBER 31, 2019

AS AMENDED ON THIRD CONSIDERATION, JULY 15, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for fireworks; and, in
3 volunteer firefighters, further providing for definitions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

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

8 CHAPTER 59

9 FIREWORKS

10 Sec.

11 5901. Definitions.

12 5902. Prohibition option.

13 5903. Penalties on users of fireworks.

14 5904. ADDITIONAL RESTRICTION ON CONSUMER FIREWORKS.

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15 § 5901. Definitions.

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

1 "Consumer fireworks." As defined in section 2401 of the act
2 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
3 1971.

4 "Municipality." As defined in section 2401 of the Tax Reform
5 Code of 1971.

6 § 5902. Prohibition option.

7 (a) Prohibition.--Notwithstanding Article XXIV of the act of
8 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
9 1971, a city or township enumerated under this subsection shall
10 have the option to prohibit the use of consumer fireworks within
11 the city or township by delivering an ordinance or resolution of
12 the city's or township's governing body to the Department of
13 Agriculture no sooner than 60 days after the effective date of
14 this section. Consumer fireworks may not be used in a city or
15 township that has exercised the option to prohibit use of
16 consumer fireworks under this section. For purposes of this
17 subsection a city or township shall include the following:

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

21 (2) A second class township which has a population,
22 based on the 2010 Federal decennial census, of at least
23 60,000 and no more than 70,000 located in a county of the
24 second class A.

25 (b) Rescission of prohibition.--A city or township that
26 prohibits the use of consumer fireworks within the city or
27 township under subsection (a) may rescind the prohibition by
28 delivering a new resolution of the city's or township's
29 governing body to the Department of Agriculture.

30 § 5903. Penalties on users of fireworks.

1 (a) Violation.--A person using consumer fireworks in
2 violation of the provisions of this chapter commits a summary
3 offense and, upon conviction, shall be punished by a fine of
4 \$500.

5 (b) Second or subsequent offense.--A person using consumer
6 fireworks in violation of the provisions of this chapter for a
7 second or subsequent offense shall be punished by a fine of
8 \$1,000.

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

14 (d) Money collected from fines.--Notwithstanding any other
15 provision of law to the contrary, money collected from fines
16 under this section shall be retained by the municipality where
17 the violation occurred to be used by law enforcement to increase
18 enforcement actions related to violations under this section.

19 § 5904. ADDITIONAL RESTRICTION ON CONSUMER FIREWORKS. <--

20 NOTWITHSTANDING ANY PROVISION OF LAW AND IN ADDITION TO THE
21 PROHIBITIONS UNDER SECTION 2404(B) OF THE ACT OF MARCH 4, 1971
22 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, A PERSON
23 MAY NOT INTENTIONALLY IGNITE OR DISCHARGE CONSUMER FIREWORKS
24 WITHIN 150 FEET OF A RAILROAD TRAIN OR MOTOR CARRIER VEHICLE
25 HAULING COMBUSTIBLE LIQUID OR FLAMMABLE LIQUID AS THOSE TERMS
26 ARE DEFINED IN THE ACT OF FEBRUARY 11, 1998 (P.L.58, NO.15),
27 KNOWN AS THE COMBUSTIBLE AND FLAMMABLE LIQUIDS ACT.

28 Section 2. The definition of "volunteer firefighters' relief
29 association" in section 7412 of Title 35 is amended to read:
30 § 7412. Definitions.

1 The following words and phrases when used in this subchapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 * * *

5 "Volunteer firefighters' relief association." An
6 organization formed primarily to afford financial protection to
7 volunteer firefighters against the consequences of misfortune
8 suffered as a result of their participation in the fire service.
9 The organization may contain within its membership the members
10 of one or more [fire companies] volunteer fire companies or fire
11 companies that are a combination of a volunteer fire company and
12 a paid fire company, and may serve secondary purposes, as set
13 forth in this subchapter, but only if adequate provisions have
14 been first made to serve the primary purpose.

15 Section 3. This act shall take effect as follows:

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

19 (2) The remainder of this act shall take effect
20 immediately.