

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, JUNE 30, 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. The definition of "volunteer firefighters' relief <--
7 association" in section 7412 of Title 35 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED <--

10 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

11 CHAPTER 59

12 FIREWORKS

13 SEC.

14 5901. DEFINITIONS.

15 5902. PROHIBITION OPTION.

16 5903. PENALTIES ON USERS OF FIREWORKS.

17 § 5901. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "CONSUMER FIREWORKS." AS DEFINED IN SECTION 2401 OF THE ACT
4 OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF
5 1971.

6 "MUNICIPALITY." AS DEFINED IN SECTION 2401 OF THE TAX REFORM
7 CODE OF 1971.

8 § 5902. PROHIBITION OPTION.

9 (A) PROHIBITION.--NOTWITHSTANDING ARTICLE XXIV OF THE ACT OF
10 MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF
11 1971, A CITY OR TOWNSHIP ENUMERATED UNDER THIS SUBSECTION SHALL
12 HAVE THE OPTION TO PROHIBIT THE USE OF CONSUMER FIREWORKS WITHIN
13 THE CITY OR TOWNSHIP BY DELIVERING AN ORDINANCE OR RESOLUTION OF
14 THE CITY'S OR TOWNSHIP'S GOVERNING BODY TO THE DEPARTMENT OF
15 AGRICULTURE NO SOONER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF
16 THIS SECTION. CONSUMER FIREWORKS MAY NOT BE USED IN A CITY OR
17 TOWNSHIP THAT HAS EXERCISED THE OPTION TO PROHIBIT USE OF
18 CONSUMER FIREWORKS UNDER THIS SECTION. FOR PURPOSES OF THIS
19 SUBSECTION A CITY OR TOWNSHIP SHALL INCLUDE THE FOLLOWING:

20 (1) A CITY OF THE FIRST CLASS, SECOND CLASS, SECOND
21 CLASS A AND THIRD CLASS WHICH HAS A POPULATION, BASED ON THE
22 MOST RECENT FEDERAL DECENNIAL CENSUS, OF AT LEAST 58,000; OR

23 (2) A SECOND CLASS TOWNSHIP WHICH HAS A POPULATION,
24 BASED ON THE 2010 FEDERAL DECENNIAL CENSUS, OF AT LEAST
25 60,000 AND NO MORE THAN 70,000 LOCATED IN A COUNTY OF THE
26 SECOND CLASS A.

27 (B) RESCISSION OF PROHIBITION.--A CITY OR TOWNSHIP THAT
28 PROHIBITS THE USE OF CONSUMER FIREWORKS WITHIN THE CITY OR
29 TOWNSHIP UNDER SUBSECTION (A) MAY RESCIND THE PROHIBITION BY
30 DELIVERING A NEW RESOLUTION OF THE CITY'S OR TOWNSHIP'S

1 GOVERNING BODY TO THE DEPARTMENT OF AGRICULTURE.

2 § 5903. PENALTIES ON USERS OF FIREWORKS.

3 (A) VIOLATION.--A PERSON USING CONSUMER FIREWORKS IN
4 VIOLATION OF THE PROVISIONS OF THIS CHAPTER COMMITS A SUMMARY
5 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF
6 \$500.

7 (B) SECOND OR SUBSEQUENT OFFENSE.--A PERSON USING CONSUMER
8 FIREWORKS IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER FOR A
9 SECOND OR SUBSEQUENT OFFENSE SHALL BE PUNISHED BY A FINE OF
10 \$1,000.

11 (C) ADDITIONAL PENALTY.--IN ADDITION TO THE PENALTY UNDER
12 SUBSECTION (B), EACH FIREWORK IN POSSESSION OF A PERSON USING
13 FIREWORKS IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER FOR A
14 SECOND OR SUBSEQUENT OFFENSE SHALL BE CONFISCATED AND DISPOSED
15 OF BY LAW ENFORCEMENT.

16 (D) MONEY COLLECTED FROM FINES.--NOTWITHSTANDING ANY OTHER
17 PROVISION OF LAW TO THE CONTRARY, MONEY COLLECTED FROM FINES
18 UNDER THIS SECTION SHALL BE RETAINED BY THE MUNICIPALITY WHERE
19 THE VIOLATION OCCURRED TO BE USED BY LAW ENFORCEMENT TO INCREASE
20 ENFORCEMENT ACTIONS RELATED TO VIOLATIONS UNDER THIS SECTION.

21 SECTION 2. THE DEFINITION OF "VOLUNTEER FIREFIGHTERS' RELIEF
22 ASSOCIATION" IN SECTION 7412 OF TITLE 35 IS AMENDED TO READ:

23 § 7412. Definitions.

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

27 * * *

28 "Volunteer firefighters' relief association." An
29 organization formed primarily to afford financial protection to
30 volunteer firefighters against the consequences of misfortune

1 suffered as a result of their participation in the fire service.
2 The organization may contain within its membership the members
3 of one or more [fire companies] volunteer fire companies or fire
4 companies that are a combination of a volunteer fire company and
5 a paid fire company, and may serve secondary purposes, as set
6 forth in this subchapter, but only if adequate provisions have
7 been first made to serve the primary purpose.

8 Section 2 3. This act shall take effect ~~in 60 days.~~ AS <--
9 FOLLOWS:

10 (1) THE AMENDMENT OF THE DEFINITION OF "VOLUNTEER
11 FIREFIGHTERS' RELIEF ASSOCIATION" IN 35 PA.C.S. § 7412 SHALL
12 TAKE EFFECT IN 60 DAYS.

13 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
14 IMMEDIATELY.