

2019 -- H 5115

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LC000258
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES -- EXPLOSIVES, FIREWORKS, AND
PYROTECHNICS

Introduced By: Representatives Corvese, McNamara, Jackson, Maldonado, and Lima

Date Introduced: January 11, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-13-1 of the General Laws in Chapter 11-13 entitled "Explosives
2 and Fireworks" is hereby amended to read as follows:

3 **11-13-1. Sale, use or possession of fireworks.**

4 (a) No person shall offer for sale at retail or at wholesale, shall possess or have under his
5 or her control, use or explode, or cause to explode for exhibition or amusement, display fireworks
6 or aerial consumer fireworks unless permits are obtained pursuant to this chapter and chapter 23-
7 28.11. Display fireworks are defined in the American pyrotechnic association standard 87-1
8 (APA 87-1) 2001 Edition section 2.7.2 and are classified as explosives 1.3G by the U.S.
9 department of transportation (U.S. DOT), UN0335. Aerial consumer fireworks are defined in
10 APA 87-1 2001 Edition section 3.1.2. and are classified 1.4G U.S. DOT, UN 0336. Certain
11 fireworks and devices that are exempt from the definitions of display fireworks and aerial
12 consumer fireworks shall include, but are not limited to, the following: ground-based and hand-
13 held sparkling devices (non-aerial fireworks) as defined in APA 87-1 2001 Edition sections 3.1.1
14 and 3.5, and include the following: fountains, illuminating torches, wheels, ground spinners,
15 flitter sparklers, sparkers; novelties, which are defined in the APA 87-1 2001 Edition section 3.2
16 and include the following: party poppers, snappers, toy smoke devices, snakes, glow worms, wire
17 sparklers and dipped sticks; paper caps containing not more than twenty-five hundredths (0.025)
18 grains of explosive mixture ammunition to be consumed by weapons used for sporting and

1 hunting purposes, and model rockets and model rocket engines, designed, sold and used for the
2 purpose of propelling recoverable aero models). The storage, possession, sale, transportation and
3 use of the items in the above reference section that are not included in the definition of display
4 fireworks and aerial consumer fireworks shall be allowed at all times throughout the state for
5 persons at least sixteen (16) years of age. Permits for display fireworks and aerial consumer
6 fireworks for commercial display may be issued in accordance with provisions of the Rhode
7 Island Fire Safety Code, chapters 28.1 -- 28.39 of title 23. Fireworks display of display and
8 aerial consumer fireworks by any municipality, fair association, amusement park, or other
9 organization or group of individuals is permitted, on condition that the display shall be made by a
10 competent operator approved by the local fire authority and shall be of such character as in the
11 opinion of the fire authority will not be hazardous to persons or property; and, provided further,
12 that the foregoing shall not apply the use of display and aerial consumer fireworks by common
13 carriers for signal or illumination purposes, the use of blank cartridges in any show or theater, the
14 use of explosives for blasting, the use of display and aerial consumer fireworks as signals in any
15 athletic or sporting event, the use of display and aerial consumer fireworks for ceremonial or
16 military purposes, the sale of fireworks for shipment out of this state, or the sale of fireworks for
17 any use permitted pursuant to this section, provided the person who sells, stores or transports
18 display and aerial consumer fireworks has a permit as required by the Rhode Island Fire Safety
19 Code, chapters 28.1 -- 28.39 of title 23.

20 (b) Any person violating the provisions of this section shall be guilty of a felony and shall
21 be fined not exceeding one thousand dollars (\$1,000) for each offense and/or imprisoned for not
22 more than one year for each offense; except that any person using or having in his or her
23 possession without a permit with intent to use display and aerial consumer fireworks with a value
24 of under five hundred dollars (\$500) shall be guilty of a misdemeanor and shall upon conviction
25 be fined not exceeding five hundred dollars (\$500) for each offense and/or imprisoned for not
26 more than one year for each offense.

27 (c) The use of display fireworks or aerial consumer fireworks without a permit, as
28 provided in subsection (a) of this section, is prohibited during the hours of 12:00 a.m. and 7:00
29 a.m. on any day, unless a permit for the use has been issued pursuant to this chapter and chapter
30 28.11 of title 23.

31 (d) Any person violating the provisions of subsection (c) of this section shall be guilty of
32 a civil offense, and shall be fined in the amount of seventy-five dollars (\$75.00) and court costs.
33 Cities and towns having municipal or police courts shall refer alleged violations of this section to
34 those municipal or police courts, which are hereby granted jurisdiction. Cities and towns not

1 having municipal courts shall refer alleged violations to the appropriate district court, which shall
2 remit one-half (1/2) of the amount of the fine assessed to the referring city or town and retain the
3 remaining one-half (1/2) costs assessed.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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PYROTECHNICS

1 This act would prohibit the use of display fireworks, or aerial consumer fireworks
2 without a permit between the hours of 12:00 a.m. and 7:00 a.m. on any day and would make a
3 violation of this permit requirement a civil violation punishable by a fine of seventy-five dollars
4 (\$75.00) and court costs.

5 This act would take effect upon passage.

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