

HB0059S01 compared with HB0059

{Omitted text} shows text that was in HB0059 but was omitted in HB0059S01

inserted text shows text that was not in HB0059 but was inserted into HB0059S01

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Fireworks Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill amends provisions related to fireworks.

Highlighted Provisions:

This bill:

- replaces incorrect terms related to fireworks; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

None

AMENDS:

11-3-10 , as last amended by Laws of Utah 2023, Chapter 34 , as last amended by Laws of Utah 2023, Chapter 34

53-7-204 , as last amended by Laws of Utah 2021, Chapter 237 , as last amended by Laws of Utah 2021, Chapter 237

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53-7-225 , as last amended by Laws of Utah 2024, Chapters 128, 438 , as last amended by Laws of Utah 2024, Chapters 128, 438

19 53-7-225.1 , as enacted by Laws of Utah 2018, Chapter 189 , as enacted by Laws of Utah 2018, Chapter 189

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21 *Be it enacted by the Legislature of the state of Utah:*

22 Section 1. Section 11-3-10 is amended to read:

23 **11-3-10. Exemptions -- Limitation on chapter.**

24 (1) This chapter does not apply to~~[class A, class B, and class C explosives that are]~~ a division 1.1G explosive, a division 1.2G explosive, a division 1.3G explosive, or a division 1.4G explosive that is not for use in [Utah] the state, but [are] is manufactured, stored, warehoused, or in transit for destinations outside of [Utah] the state.

28 (2) This chapter does not supersede Section 23A-2-208, regarding use of fireworks and explosives by the Division of Wildlife Resources and federal game agents.

30 (3) Provided that the display operators are properly licensed as required by Section 53-7-223, municipalities and counties for the unincorporated areas within the county may conduct, permit, or regulate:

33 (a) exhibitions of display fireworks; or

34 (b) pyrotechnic displays held inside public buildings.

35 Section 2. Section 53-7-204 is amended to read:

36 **53-7-204. Duties of Utah Fire Prevention Board -- Unified Code Analysis Council -- Local administrative duties.**

27 (1) The board shall:

28 (a) administer the state fire code as the standard in the state;

29 (b) subject to the state fire code, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

31 (i) establishing standards for the prevention of fire and for the protection of life and property against fire and panic in any:

33 (A) publicly owned building, including all public and private schools, colleges, and university buildings;

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- (B) building or structure used or intended for use as an asylum, a mental hospital, a hospital, a sanitarium, a home for the elderly, an assisted living facility, a children's home or day care center, or any building or structure used for a similar purpose; or
- 39 (C) place of assemblage where 50 or more persons may gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education;
- 42 (ii) establishing safety and other requirements for placement and discharge of display fireworks on the basis of:
- 44 (A) the state fire code; and
- 45 (B) relevant publications of the National Fire Protection Association;
- 46 (iii) establishing safety standards for retail storage, handling, and sale of [~~class C~~] a division 1.4G common state approved [~~explosives~~] explosive;
- 48 (iv) defining methods to establish proof of competence to place and discharge display fireworks, special effects fireworks, and flame effects;
- 50 (v) subject to Subsection (2), creating a uniform statewide policy regarding a state, county, special district, and local government entity's safe seizure, storage, and repurposing, destruction, or disposal of [~~a firework, class A explosive, or class B~~] a division 1.1G explosive, division 1.2G explosive, division 1.3G explosive, or division 1.4G explosive that:
- 55 (A) is illegal; or
- 56 (B) a person uses or handles in an illegal manner;
- 57 (vi) deputizing qualified persons to act as deputy fire marshals, and to secure special services in emergencies;
- 59 (vii) implementing Section 15A-1-403;
- 60 (viii) establishing criteria for the certification of firefighters, pump operators, instructors, fire officers, fire investigators, and rescue personnel not certified or licensed under any other section of the Utah Code;
- 63 (ix) establishing criteria for training and safety equipment grants for fire departments enrolled in firefighter certification;
- 65 (x) establishing ongoing training standards for hazardous materials emergency response agencies;
- 67 (xi) establishing criteria for the fire safety inspection of a food truck; and
- 68 (xii) establishing criteria for the accreditation and reaccreditation of fire service training organizations;
- 70 (c) recommend to the commissioner a state fire marshal;

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- 71 (d) develop policies under which the state fire marshal and the state fire marshal's authorized
representatives will perform;
- 73 (e) provide for the employment of field assistants and other salaried personnel as required;
- 75 (f) prescribe the duties of the state fire marshal and the state fire marshal's authorized representatives;
- 77 (g) provide technical expertise, advice, and support to Utah Valley University in the establishment and
operation of the fire and rescue training program described in Section 53B-29-202;
- 80 (h) establish a statewide fire statistics program for the purpose of gathering fire data from all political
subdivisions of the state;
- 82 (i) coordinate the efforts of all people engaged in fire suppression in the state;
- 83 (j) work aggressively with the local political subdivisions to reduce fire losses;
- 84 (k) regulate the sale and servicing of portable fire extinguishers and automatic fire suppression systems
in the interest of safeguarding lives and property;
- 86 (l) establish a certification program for persons who inspect and test automatic fire sprinkler systems;
- 88 (m) establish a certification program for persons who inspect and test fire alarm systems;
- 89 (n) establish a certification for persons who provide response services regarding hazardous materials
emergencies;
- 91 (o) in accordance with Sections 15A-1-403 and 68-3-14, submit a written report to the Business and
Labor Interim Committee; and
- 93 (p) jointly create the Unified Code Analysis Council with the Uniform Building Code Commission in
accordance with Section 15A-1-203.
- 95 (2)
- . (a) In the rules that the board makes under Subsection (1)(b)(v), the board shall include a provision
prohibiting a state, county, special district, or local government entity from disposing of an item
described in Subsection (1)(b)(v) by means of open burning, except under circumstances described
in the rule.
- 99 (b) When making a rule under Subsection (1)(b)(v), the board shall:
- 100 (i) review and include applicable references to:
- 101 (A) requirements described in Title 15A, Chapter 5, State Fire Code Act; and
- 102 (B) provisions of the International Fire Code; and
- 103 (ii) consider the appropriate role of the following in relation to the rule:
- 104 (A) the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and

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- 105 (B) a firework wholesaler or distributor.
- 106 (3) The board may incorporate in its rules by reference, in whole or in part:
- 107 (a) the state fire code; or
- 108 (b) subject to the state fire code, a nationally recognized and readily available standard pertaining to the protection of life and property from fire, explosion, or panic.
- 110 (4) The following functions shall be administered locally by a city, county, or fire protection district:
- 112 (a) issuing permits, including open burning permits pursuant to Sections 11-7-1 and 19-2-114;
- 114 (b) creating a local board of appeals in accordance with the state fire code; and
- 115 (c) subject to the state fire code and the other provisions of this chapter, establishing, modifying, or deleting fire flow and water supply requirements.
- 128 Section 3. Section **53-7-225** is amended to read:
- 129 **53-7-225. Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.**
- 120 (1) Except as provided in Section 53-7-221, this section supersedes any other code provision regarding the sale or discharge of fireworks.
- 122 (2)
- . (a) Except as provided in Subsection (2)(b), a person may sell [~~class C~~] a division 1.4G common state approved [~~explosives~~] explosive in the state as follows:
- 124 (i) beginning on June 24 and ending on July 25;
- 125 (ii) beginning on December 29 and ending on December 31; and
- 126 (iii) two days before and on the Chinese New Year's eve.
- 127 (b) The restrictions in Subsection (2)(a) do not apply to:
- 128 (i) online sales to a person outside the state for use outside the state; or
- 129 (ii) sales to persons described in Subsection 53-7-222(1)(b)(i)(A).
- 130 (3) A person may not discharge [~~class C~~] a division 1.4G common state approved [~~explosives~~] explosive in the state except as follows:
- 132 (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
- 134 (i) beginning on July 2 and ending on July 5; and
- 135 (ii) beginning on July 22 and ending on July 25;
- 136 (b)

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- . (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or
- 138 (ii) if New Year's eve is on a Sunday and the county or municipality determines to celebrate New Year's
eve on the prior Saturday, then a person may discharge [~~class-C~~] a division 1.4G common state
approved [~~explosives~~] explosive on that prior Saturday within the county or municipality;
- 142 (c) between the hours of 11 a.m. and 11 p.m. on January 1; and
- 143 (d) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.
- 145 (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person discharges a
[~~class-C~~] division 1.4G common state approved explosive:
- 147 (a) outside the legal discharge dates and times described in Subsection (3); or
- 148 (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
- 149 (5)
- . (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, or the state forester
may not prohibit a person from discharging [~~class-C~~] a division 1.4G common state approved
[~~explosives~~] explosive during the permitted periods described in Subsection (3).
- 153 (b)
- . (i) As used in this Subsection (5)(b), "negligent discharge":
- 154 (A) means the improper use and discharge of a [~~class-C~~] division 1.4G common state approved
explosive; and
- 156 (B) does not include the date or location of discharge or the type of explosive used.
- 157 (ii) A municipality may prohibit:
- 158 (A) the discharge of [~~class-C~~] a division 1.4G common state approved [~~explosives~~] explosive in certain
areas with hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b);
or
- 161 (B) the negligent discharge of [~~class-C~~] a division 1.4G common state approved [~~explosives~~] explosive.
- 163 (iii) A county may prohibit the negligent discharge of [~~class-C~~] a division 1.4G common state approved
[~~explosives~~] explosive.
- 165 (c) The state forester may prohibit the discharge of [~~class-C~~] a division 1.4G common state approved
[~~explosives~~] explosive as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.
- 168 (6) If a municipal legislative body or the state forester provides a map to a county identifying an area in
which the discharge of fireworks is prohibited due to a historical hazardous environmental condition
under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

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- 172 (a) create a county-wide map, based on each map the county has received, indicating each area within
the county in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b);
- 175 (b) provide the map described in Subsection (6)(a) to:
- 176 (i) each retailer that sells fireworks within the county; and
- 177 (ii) the state fire marshal; and
- 178 (c) publish the map on the county's website.
- 179 (7) A retailer that sells fireworks shall display:
- 180 (a) a sign that:
- 181 (i) is clearly visible to the general public in a prominent location near the point of sale;
- 183 (ii) indicates the legal discharge dates and times described in Subsection (3); and
- 184 (iii) indicates the criminal charge and fine associated with discharge:
- 185 (A) outside the legal dates and times described in Subsection (3); and
- 186 (B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and
- 188 (b) the map that the county provides, in accordance with Subsection (6)(b).
- 200 Section 4. Section **53-7-225.1** is amended to read:
- 201 **53-7-225.1. Civil liability.**
- 191 (1)
- . (a) An individual who negligently, recklessly, or intentionally causes or spreads a fire through discharge
of a [class-€] division 1.4G explosive is liable for the cost of suppressing that fire and any damages
the fire causes.
- 194 (b) If the individual described in Subsection (1)(a) is a minor, the parent or legal guardian having legal
custody of the minor is liable for the costs and damages for which the minor is liable under this
section.
- 197 (c) A court may waive part or all of the parent or guardian's liability for damages under Subsection (1)
(b) if the court finds:
- 199 (i) good cause; and
- 200 (ii) that the parent or legal guardian:
- 201 (A) made a reasonable effort to supervise and direct the minor; or
- 202 (B) in the event the parent or guardian knew in advance of the negligent, reckless, or intentional
conduct described in Subsection (1)(a), made a reasonable effort to restrain the minor.
- 205 (2)

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- . (a) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, regardless of whether:
- 207 (i) the person discharges a [~~class=C~~] division 1.4G common state approved explosive:
- 208 (A) within the permitted time periods described in Subsection 53-7-225(3); or
- 209 (B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b) or (c); or
- 211 (ii) the fire begins on:
- 212 (A) private land;
- 213 (B) land owned by the state or a political subdivision of the state;
- 214 (C) federal land; or
- 215 (D) tribal land.
- 216 (b) Discharging a [~~class=C~~] division 1.4G explosive in an area in which fireworks are prohibited due to hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct described in Subsection (1).
- 220 (3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an action under this section to recover those costs against an individual described in Subsection (1).
- 223 (4) A person who suffers damage from a fire described in Subsection (1) may:
- 224 (a) bring an action under this section for those damages against an individual described in Subsection (1); and
- 226 (b) pursue all other legal remedies in addition to seeking damages under Subsection (4)(a).

239 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

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