

1 SHALL MEAN A MEMBERSHIP BASED SERVICE THAT PROVIDES AN
2 ALTERNATIVE TO PERSONAL CAR OWNERSHIP AND WHICH MEETS THE
3 FOLLOWING CONDITIONS:

4 (I) DOES NOT REQUIRE A TRIP-SPECIFIC WRITTEN AGREEMENT EACH
5 TIME A MEMBER RENTS A VEHICLE.

6 (II) DOES NOT REQUIRE AN ATTENDANT TO BE PRESENT AT THE
7 BEGINNING OR END OF A RENTAL.

8 (III) OFFERS MEMBERS ACCESS TO A DISPERSED NETWORK OF SHARED
9 VEHICLES 24-HOURS PER DAY, 7 DAYS PER WEEK, 365 DAYS PER YEAR.

10 (IV) ALLOWS A VEHICLE TO BE RENTED ON A PER MINUTE, PER
11 HOURLY, PER DAY, OR PER TRIP BASIS, AND AT PER MILE OR PER
12 KILOMETER RATES, WHICH TYPICALLY INCLUDE FUEL, INSURANCE AND
13 MAINTENANCE.

14 SECTION 43. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

15 ARTICLE XXIV

16 FIREWORKS

17 SECTION 2401. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "APA 87-1." THE AMERICAN PYROTECHNICS ASSOCIATION STANDARD
22 87-1: STANDARD FOR CONSTRUCTION AND APPROVAL FOR TRANSPORTATION
23 OF FIREWORKS, NOVELTIES, AND THEATRICAL PYROTECHNICS, 2001
24 EDITION, OR ANY SUBSEQUENT EDITION.

25 "CONSUMER FIREWORKS."

26 (1) ANY COMBUSTIBLE OR EXPLOSIVE COMPOSITION OR ANY
27 SUBSTANCE OR COMBINATION OF SUBSTANCES WHICH IS INTENDED TO
28 PRODUCE VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION, IS SUITABLE
29 FOR USE BY THE PUBLIC, COMPLIES WITH THE CONSTRUCTION,
30 PERFORMANCE, COMPOSITION AND LABELING REQUIREMENTS

1 PROMULGATED BY THE CONSUMER PRODUCTS SAFETY COMMISSION IN 16
2 CFR (RELATING TO COMMERCIAL PRACTICES) OR ANY SUCCESSOR
3 REGULATION AND COMPLIES WITH THE PROVISIONS FOR "CONSUMER
4 FIREWORKS" AS DEFINED IN APA 87-1 OR ANY SUCCESSOR STANDARD,
5 THE SALE, POSSESSION AND USE OF WHICH SHALL BE PERMITTED
6 THROUGHOUT THIS COMMONWEALTH.

7 (2) THE TERM DOES NOT INCLUDE DEVICES AS "GROUND AND
8 HAND-HELD SPARKLING DEVICES," "NOVELTIES" OR "TOY CAPS" IN
9 APA 87-1 OR ANY SUCCESSOR STANDARD, THE SALE, POSSESSION AND
10 USE OF WHICH SHALL BE PERMITTED AT ALL TIMES THROUGHOUT THIS
11 COMMONWEALTH.

12 "DISPLAY FIREWORKS." LARGE FIREWORKS TO BE USED SOLELY BY
13 PROFESSIONAL PYROTECHNICIANS AND DESIGNED PRIMARILY TO PRODUCE
14 VISIBLE OR AUDIBLE EFFECTS BY COMBUSTION, DEFLAGRATION OR
15 DETONATION. THE TERM INCLUDES, BUT IS NOT LIMITED TO:

16 (1) SALUTES THAT CONTAIN MORE THAN TWO GRAINS OR 130
17 MILLIGRAMS OF EXPLOSIVE MATERIALS;

18 (2) AERIAL SHELLS CONTAINING MORE THAN 60 GRAMS OF
19 PYROTECHNIC COMPOSITIONS; AND

20 (3) OTHER DISPLAY PIECES THAT EXCEED THE LIMITS OF
21 EXPLOSIVE MATERIALS FOR CLASSIFICATION AS CONSUMER FIREWORKS
22 AND ARE CLASSIFIED AS FIREWORKS UN0333, UN0334 OR UN0335
23 UNDER 49 CFR 172.101 (RELATING TO PURPOSE AND USE OF
24 HAZARDOUS MATERIALS TABLE).

25 "MUNICIPALITY." A CITY, BOROUGH, INCORPORATED TOWN OR
26 TOWNSHIP.

27 "NFPA 1124." THE NATIONAL FIRE PROTECTION ASSOCIATION
28 STANDARD 1124, CODE FOR THE MANUFACTURE, TRANSPORTATION AND
29 STORAGE OF FIREWORKS AND PYROTECHNIC ARTICLES, 2006 EDITION, OR
30 ANY SUBSEQUENT EDITION.

1 "OCCUPIED STRUCTURE." A STRUCTURE, VEHICLE OR PLACE ADAPTED
2 FOR OVERNIGHT ACCOMMODATION OF PERSONS OR FOR CONDUCTING
3 BUSINESS WHETHER OR NOT A PERSON IS ACTUALLY PRESENT.

4 "OUTDOOR STORAGE UNIT." A CONSUMER FIREWORKS BUILDING,
5 TRAILER, SEMITRAILER, METAL SHIPPING CONTAINER OR MAGAZINE
6 MEETING THE SPECIFICATIONS OF NFPA 1124.

7 "TEMPORARY STRUCTURE." A STRUCTURE, OTHER THAN A PERMANENT
8 FACILITY WITH FIXED UTILITY CONNECTIONS, WHICH IS IN USE OR IN
9 PLACE FOR A PERIOD OF 20 CONSECUTIVE CALENDAR DAYS OR LESS AND
10 IS DEDICATED TO THE STORAGE AND SALE OF CONSUMER FIREWORKS AND
11 RELATED ITEMS. THE TERM INCLUDES TEMPORARY RETAIL SALES STANDS,
12 TENTS, CANOPIES AND MEMBRANE STRUCTURES MEETING THE
13 SPECIFICATIONS OF NFPA 1124. THE TERM SHALL NOT INCLUDE A
14 FACILITY THAT IS NOT LICENSED TO SELL CONSUMER FIREWORKS UNDER
15 THIS ARTICLE.

16 SECTION 2402. PERMITS.

17 (A) PERMISSIBLE PURPOSES.--DISPLAY FIREWORKS MAY BE
18 POSSESSED AND USED BY A PERSON HOLDING A PERMIT FROM A
19 MUNICIPALITY AT THE DISPLAY COVERED BY THE PERMIT OR WHEN USED
20 AS AUTHORIZED BY A PERMIT FOR ANY OF THE FOLLOWING:

21 (1) FOR AGRICULTURAL PURPOSES IN CONNECTION WITH THE
22 RAISING OF CROPS AND THE PROTECTION OF CROPS FROM BIRD AND
23 ANIMAL DAMAGE.

24 (2) BY RAILROADS OR OTHER TRANSPORTATION AGENCIES FOR
25 SIGNAL PURPOSES OR ILLUMINATION.

26 (3) IN QUARRYING OR FOR BLASTING OR OTHER INDUSTRIAL
27 USE.

28 (4) IN THE SALE OR USE OF BLANK CARTRIDGES FOR A SHOW OR
29 THEATER.

30 (5) FOR SIGNAL OR CEREMONIAL PURPOSES IN ATHLETICS OR

1 SPORTS.

2 (6) BY MILITARY ORGANIZATIONS OR ORGANIZATIONS COMPOSED
3 OF VETERANS OF THE ARMED FORCES OF THE UNITED STATES.

4 (B) AGE LIMITATION.--A DISPLAY FIREWORKS PERMIT MAY NOT BE
5 ISSUED TO A PERSON UNDER 21 YEARS OF AGE.

6 (C) BOND.--THE GOVERNING BODY OF THE MUNICIPALITY SHALL
7 REQUIRE A BOND DEEMED ADEQUATE BY IT FROM THE PERMITTEE IN A SUM
8 NOT LESS THAN \$50,000 CONDITIONED FOR THE PAYMENT OF ALL DAMAGES
9 WHICH MAY BE CAUSED TO A PERSON OR PROPERTY BY REASON OF THE
10 DISPLAY AND ARISING FROM AN ACT OF THE PERMITTEE OR AN AGENT, AN
11 EMPLOYEE OR A SUBCONTRACTOR OF THE PERMITTEE.

12 SECTION 2403. REQUEST FOR EXTENSION.

13 (A) AUTHORIZATION.--IF, BECAUSE OF UNFAVORABLE WEATHER, THE
14 DISPLAY FOR WHICH A PERMIT HAS BEEN GRANTED DOES NOT OCCUR AT
15 THE TIME AUTHORIZED BY THE PERMIT, THE PERSON TO WHOM THE PERMIT
16 WAS ISSUED MAY WITHIN 24 HOURS APPLY FOR A REQUEST FOR EXTENSION
17 TO THE MUNICIPALITY WHICH GRANTED THE PERMIT.

18 (B) CONTENTS OF REQUEST.--THE REQUEST FOR EXTENSION SHALL
19 STATE UNDER OATH THAT THE DISPLAY WAS NOT MADE, PROVIDE THE
20 REASON THAT THE DISPLAY WAS NOT MADE AND REQUEST A CONTINUANCE
21 OF THE PERMIT FOR A DATE DESIGNATED WITHIN THE REQUEST, WHICH
22 SHALL BE NOT LATER THAN ONE WEEK AFTER THE DATE ORIGINALLY
23 DESIGNATED IN THE PERMIT.

24 (C) DETERMINATION.--UPON RECEIVING THE REQUEST FOR
25 EXTENSION, THE MUNICIPALITY, IF IT BELIEVES THAT THE FACTS
26 STATED WITHIN THE REQUEST ARE TRUE, SHALL EXTEND THE PROVISIONS
27 OF THE PERMIT TO THE DATE DESIGNATED WITHIN THE REQUEST, WHICH
28 SHALL BE NOT LATER THAN ONE WEEK AFTER THE DATE ORIGINALLY
29 DESIGNATED IN THE PERMIT.

30 (D) CONDITIONS.--THE EXTENSION OF TIME SHALL BE GRANTED

1 WITHOUT THE PAYMENT OF AN ADDITIONAL FEE AND WITHOUT REQUIRING A
2 BOND OTHER THAN THE BOND GIVEN FOR THE ORIGINAL PERMIT, THE
3 PROVISIONS OF WHICH SHALL EXTEND TO AND COVER ALL DAMAGES WHICH
4 MAY BE CAUSED BY REASON OF THE DISPLAY OCCURRING AT THE EXTENDED
5 DATE AND IN THE SAME MANNER AND TO THE SAME EXTENT AS IF THE
6 DISPLAY HAD OCCURRED AT THE DATE ORIGINALLY DESIGNATED IN THE
7 PERMIT.

8 SECTION 2404. USE OF CONSUMER FIREWORKS.

9 (A) CONDITIONS.--A PERSON WHO IS AT LEAST 18 YEARS OF AGE
10 AND MEETS THE REQUIREMENTS OF THIS ARTICLE MAY PURCHASE, POSSESS
11 AND USE CONSUMER FIREWORKS.

12 (B) PROHIBITIONS.--A PERSON MAY NOT INTENTIONALLY IGNITE OR
13 DISCHARGE:

14 (1) CONSUMER FIREWORKS ON PUBLIC OR PRIVATE PROPERTY
15 WITHOUT THE EXPRESS PERMISSION OF THE OWNER.

16 (2) CONSUMER FIREWORKS OR SPARKLING DEVICES WITHIN, OR
17 THROW CONSUMER FIREWORKS OR SPARKLING DEVICES FROM, A MOTOR
18 VEHICLE OR BUILDING.

19 (3) CONSUMER FIREWORKS OR SPARKLING DEVICES INTO OR AT A
20 MOTOR VEHICLE OR BUILDING OR AT ANOTHER PERSON.

21 (4) CONSUMER FIREWORKS OR SPARKLING DEVICES WHILE THE
22 PERSON IS UNDER THE INFLUENCE OF ALCOHOL, A CONTROLLED
23 SUBSTANCE OR ANOTHER DRUG.

24 (5) CONSUMER FIREWORKS WITHIN 150 FEET OF AN OCCUPIED
25 STRUCTURE.

26 SECTION 2404.1. USE OF DISPLAY FIREWORKS.

27 NO DISPLAY FIREWORKS SHALL BE IGNITED WITHIN 300 FEET OF A
28 FACILITY THAT MEETS THE REQUIREMENTS OF SECTION 2407 OR 2410.

29 SECTION 2405. AGRICULTURAL PURPOSES.

30 (A) AUTHORIZATION.--THE GOVERNING BODY OF A MUNICIPALITY

1 MAY, UNDER REASONABLE RULES AND REGULATIONS ADOPTED BY IT, GRANT
2 PERMITS FOR THE USE OF SUITABLE FIREWORKS FOR AGRICULTURAL
3 PURPOSES IN CONNECTION WITH THE RAISING OF CROPS AND THE
4 PROTECTION OF CROPS FROM BIRD AND ANIMAL DAMAGE.

5 (B) DURATION OF PERMIT.--A PERMIT UNDER THIS SECTION SHALL
6 REMAIN IN EFFECT FOR THE CALENDAR YEAR IN WHICH IT WAS ISSUED.

7 (C) CONDITIONS.--AFTER A PERMIT UNDER THIS SECTION HAS BEEN
8 GRANTED, SALES, POSSESSION AND USE OF FIREWORKS OF THE TYPE AND
9 FOR THE PURPOSE MENTIONED IN THE PERMIT SHALL BE LAWFUL FOR THAT
10 PURPOSE ONLY.

11 SECTION 2406. RULES AND REGULATIONS BY MUNICIPALITY.

12 (A) AUTHORIZATION.--PERMISSION SHALL BE GIVEN BY THE
13 GOVERNING BODY OF A MUNICIPALITY UNDER REASONABLE RULES AND
14 REGULATIONS FOR DISPLAYS OF DISPLAY FIREWORKS TO BE HELD WITHIN
15 THE MUNICIPALITY.

16 (B) CONDITIONS.--

17 (1) EACH DISPLAY SHALL BE:

18 (I) HANDLED BY A COMPETENT OPERATOR; AND

19 (II) OF A CHARACTER AND SO LOCATED, DISCHARGED OR
20 FIRED AS, IN THE OPINION OF THE CHIEF OF THE FIRE
21 DEPARTMENT OR OTHER APPROPRIATE OFFICER AS MAY BE
22 DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY,
23 AFTER PROPER INSPECTION, TO NOT BE HAZARDOUS TO PROPERTY
24 OR ENDANGER ANY PERSON.

25 (2) AFTER PERMISSION IS GRANTED UNDER THIS SECTION,
26 POSSESSION AND USE OF DISPLAY FIREWORKS FOR DISPLAY SHALL BE
27 LAWFUL FOR THAT PURPOSE ONLY.

28 (3) A PERMIT SHALL BE TRANSFERABLE.

29 SECTION 2407. SALES LOCATIONS.

30 EXCEPT AS PROVIDED IN SECTION 2410, CONSUMER FIREWORKS SHALL

1 BE SOLD ONLY FROM FACILITIES WHICH ARE LICENSED BY THE
2 DEPARTMENT OF AGRICULTURE AND THAT MEET THE FOLLOWING CRITERIA:

3 (1) THE FACILITY SHALL COMPLY WITH THE PROVISIONS OF THE
4 ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), KNOWN AS THE
5 PENNSYLVANIA CONSTRUCTION CODE ACT.

6 (2) THE FACILITY SHALL BE A STAND-ALONE PERMANENT
7 STRUCTURE.

8 (3) STORAGE AREAS SHALL BE SEPARATED FROM WHOLESALE OR
9 RETAIL SALES AREAS TO WHICH A PURCHASER MAY BE ADMITTED BY
10 APPROPRIATELY RATED FIRE SEPARATION.

11 (4) THE FACILITY SHALL BE LOCATED NO CLOSER THAN 250
12 FEET FROM A FACILITY SELLING OR DISPENSING GASOLINE, PROPANE
13 OR OTHER FLAMMABLE PRODUCTS.

14 (5) THE FACILITY SHALL BE LOCATED AT LEAST 1,500 FEET
15 FROM ANOTHER FACILITY LICENSED TO SELL CONSUMER FIREWORKS.

16 (6) THE FACILITY SHALL HAVE A MONITORED BURGLAR AND FIRE
17 ALARM SYSTEM.

18 (7) QUARTERLY FIRE DRILLS AND PREPLANNING MEETINGS SHALL
19 BE CONDUCTED AS REQUIRED BY THE PRIMARY FIRE DEPARTMENT.

20 SECTION 2408. FEES, GRANTING OF LICENSES AND INSPECTIONS.

21 (A) INITIAL APPLICATION FEES.--

22 (1) AN INITIAL APPLICATION FOR A LICENSE TO SELL
23 CONSUMER FIREWORKS SHALL BE SUBMITTED TO THE DEPARTMENT OF
24 AGRICULTURE ON FORMS PRESCRIBED AND PROVIDED BY THE
25 DEPARTMENT WITH A NONREFUNDABLE APPLICATION FEE AS FOLLOWS:

26 (I) FOR A FACILITY MEETING THE REQUIREMENTS OF
27 SECTION 2407, THE APPLICATION SHALL BE SUBMITTED WITH A
28 NONREFUNDABLE APPLICATION FEE OF \$2,500.

29 (II) FOR A FACILITY MEETING THE REQUIREMENTS OF
30 SECTION 2410, THE APPLICATION SHALL BE SUBMITTED WITH A

1 NONREFUNDABLE APPLICATION FEE OF \$1,000 NO LATER THAN 60
2 DAYS PRIOR TO THE FIRST DAY OF SALE.

3 (2) AN APPLICATION UNDER PARAGRAPH (1) (I) OR (II) SHALL
4 ALSO BE ACCOMPANIED BY THE APPROPRIATE ANNUAL LICENSE FEE AS
5 PROVIDED IN SUBSECTION (B).

6 (B) ANNUAL LICENSE FEES.--THE ANNUAL LICENSE FEE FOR A
7 FACILITY LICENSED TO SELL CONSUMER FIREWORKS SHALL BE AS
8 FOLLOWS:

9 (1) \$7,500 FOR A LOCATION UP TO 10,000 SQUARE FEET;

10 (2) \$10,000 FOR A LOCATION GREATER THAN 10,000 AND UP TO
11 15,000 SQUARE FEET;

12 (3) \$20,000 FOR A LOCATION GREATER THAN 15,000 SQUARE
13 FEET; AND

14 (4) \$3,000 FOR A TEMPORARY STRUCTURE.

15 (C) TIME LIMITATIONS AND INSPECTIONS.--

16 (1) A FACILITY MEETING THE REQUIREMENTS OF SECTION 2407
17 SHALL BE INSPECTED BY THE DEPARTMENT OF AGRICULTURE WITHIN 30
18 DAYS OF RECEIPT OF A COMPLETE APPLICATION FOR A LICENSE. THE
19 DEPARTMENT OF AGRICULTURE SHALL ISSUE OR DENY A LICENSE
20 WITHIN 14 DAYS OF COMPLETING THE INSPECTION.

21 (2) THE DEPARTMENT OF AGRICULTURE SHALL ISSUE OR DENY A
22 LICENSE FOR A FACILITY MEETING THE REQUIREMENTS OF SECTION
23 2410 NO LATER THAN 10 DAYS PRIOR TO THE FIRST DAY OF SALE.
24 THE FACILITY SHALL BE AVAILABLE FOR INSPECTION BY THE
25 DEPARTMENT OF AGRICULTURE FOR COMPLIANCE WITH NFPA 1124 AT
26 ALL TIMES DURING THE LICENSED SELLING PERIOD.

27 (D) TERM OF LICENSE.--A LICENSE ISSUED FOR THE SALE OF
28 CONSUMER FIREWORKS SHALL BE EFFECTIVE FOR ONE YEAR FROM THE DATE
29 THE LICENSE IS ISSUED.

30 (E) LICENSE RENEWAL AND INSPECTIONS.--LICENSE RENEWAL SHALL

1 BE AUTOMATIC UPON PAYMENT OF THE APPROPRIATE ANNUAL LICENSE FEE
2 UNDER SUBSECTION (B), BUT EACH FACILITY SHALL BE SUBJECT TO
3 ANNUAL INSPECTIONS BY THE DEPARTMENT OF AGRICULTURE AND AT OTHER
4 TIMES AS THE DEPARTMENT MAY DEEM APPROPRIATE.

5 (F) CONDITION.--NO LICENSE MAY BE ISSUED TO A CONVICTED
6 FELON OR TO AN ENTITY IN WHICH A CONVICTED FELON OWNS A
7 PERCENTAGE OF THE EQUITY INTEREST.

8 SECTION 2409. CONDITIONS FOR FACILITIES.

9 A FACILITY LICENSED BY THE DEPARTMENT OF AGRICULTURE SHALL BE
10 EXCLUSIVELY DEDICATED TO THE STORAGE AND SALE OF CONSUMER
11 FIREWORKS AND RELATED ITEMS, AND THE FACILITY SHALL OPERATE IN
12 ACCORDANCE WITH THE FOLLOWING RULES:

13 (1) THERE SHALL BE SECURITY PERSONNEL ON THE PREMISES
14 FOR THE SEVEN DAYS PRECEDING AND INCLUDING JULY 4 AND FOR THE
15 THREE DAYS PRECEDING AND INCLUDING JANUARY 2.

16 (2) NO SMOKING SHALL BE PERMITTED IN THE FACILITY.

17 (3) NO CIGARETTES OR TOBACCO PRODUCTS, MATCHES, LIGHTERS
18 OR ANY OTHER FLAME-PRODUCING DEVICES SHALL BE PERMITTED TO BE
19 TAKEN INTO THE FACILITY.

20 (4) NO MINORS SHALL BE PERMITTED IN THE FACILITY UNLESS
21 ACCOMPANIED BY AN ADULT, AND EACH MINOR SHALL STAY WITH THE
22 ADULT IN THE FACILITY.

23 (5) ALL FACILITIES SHALL CARRY AT LEAST \$2,000,000 IN
24 PUBLIC AND PRODUCT LIABILITY INSURANCE.

25 (6) A LICENSEE SHALL PROVIDE ITS EMPLOYEES WITH
26 DOCUMENTED TRAINING IN THE AREA OF OPERATIONAL SAFETY OF A
27 FACILITY. THE LICENSEE SHALL PROVIDE TO THE DEPARTMENT OF
28 AGRICULTURE WRITTEN DOCUMENTATION THAT EACH EMPLOYEE HAS
29 RECEIVED THE TRAINING.

30 (7) NO DISPLAY FIREWORKS SHALL BE STORED OR LOCATED AT A

1 FACILITY.

2 (8) NO PERSON WHO APPEARS TO BE UNDER THE INFLUENCE OF
3 INTOXICATING LIQUOR OR DRUGS SHALL BE ADMITTED TO THE
4 FACILITY, AND NO LIQUOR, BEER OR WINE SHALL BE PERMITTED IN
5 THE FACILITY.

6 (9) EMERGENCY EVACUATION PLANS SHALL BE CONSPICUOUSLY
7 POSTED IN APPROPRIATE LOCATIONS WITHIN THE FACILITY.

8 SECTION 2410. TEMPORARY STRUCTURES.

9 (A) CONDITIONS.--NOTWITHSTANDING SECTION 2407 OR ANY OTHER
10 PROVISION OF LAW, A TEMPORARY STRUCTURE MAY BE LICENSED BY THE
11 DEPARTMENT OF AGRICULTURE TO SELL CONSUMER FIREWORKS IF THE
12 TEMPORARY STRUCTURE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

13 (1) THE TEMPORARY STRUCTURE IS LOCATED NO CLOSER THAN
14 250 FEET FROM A FACILITY STORING, SELLING OR DISPENSING
15 GASOLINE, PROPANE OR OTHER FLAMMABLE PRODUCTS.

16 (2) AN EVACUATION PLAN IS POSTED IN A CONSPICUOUS
17 LOCATION FOR A TEMPORARY STRUCTURE IN ACCORDANCE WITH NFPA
18 1124.

19 (3) THE OUTDOOR STORAGE UNIT, IF ANY, IS SEPARATED FROM
20 THE WHOLESALE OR RETAIL SALES AREA TO WHICH A PURCHASER MAY
21 BE ADMITTED BY APPROPRIATELY RATED FIRE SEPARATION.

22 (4) THE TEMPORARY STRUCTURE COMPLIES WITH NFPA 1124 AS
23 IT RELATES TO RETAIL SALES OF CONSUMER FIREWORKS IN TEMPORARY
24 STRUCTURES.

25 (5) THE TEMPORARY STRUCTURE IS LOCATED ONE OF THE
26 FOLLOWING DISTANCES FROM A PERMANENT FACILITY LICENSED TO
27 SELL CONSUMER FIREWORKS UNDER THE ACT OF MAY 15, 1939
28 (P.L.134, NO.65), REFERRED TO AS THE FIREWORKS LAW, AT THE
29 TIME OF THE EFFECTIVE DATE OF THIS ARTICLE:

30 (I) PRIOR TO JANUARY 1, 2023, AT LEAST FIVE MILES.

1 (II) BEGINNING JANUARY 1, 2023, AT LEAST TWO MILES.

2 (6) THE TEMPORARY STRUCTURE DOES NOT EXCEED 2,500 SQUARE
3 FEET.

4 (7) THE TEMPORARY STRUCTURE IS SECURED AT ALL TIMES
5 DURING WHICH CONSUMER FIREWORKS ARE DISPLAYED WITHIN THE
6 STRUCTURE.

7 (8) THE TEMPORARY STRUCTURE HAS A MINIMUM OF \$2,000,000
8 IN PUBLIC AND PRODUCT LIABILITY INSURANCE.

9 (9) THE SALES PERIOD IS LIMITED TO JUNE 15 THROUGH JULY
10 8 AND DECEMBER 21 THROUGH JANUARY 2 OF EACH YEAR.

11 (10) CONSUMER FIREWORKS NOT ON DISPLAY FOR RETAIL SALE
12 ARE STORED IN AN OUTDOOR STORAGE UNIT.

13 (B) LIMITATIONS.--THE SALE OF CONSUMER FIREWORKS FROM THE
14 TEMPORARY STRUCTURE IS LIMITED TO THE FOLLOWING:

15 (1) HELICOPTER, AERIAL SPINNER (APA 87-1, 3.1.2.3).

16 (2) ROMAN CANDLE (APA 87-1, 3.1.2.4).

17 (3) MINE AND SHELL DEVICES NOT EXCEEDING 500 GRAMS.

18 SECTION 2411. ATTORNEY GENERAL.

19 (A) REGISTRATION.--ANY BUSINESS ENTITY WHICH PERFORMS,
20 PROVIDES OR SUPERVISES FIREWORKS DISPLAYS OR EXHIBITIONS FOR
21 PROFIT SHALL REGISTER ANNUALLY WITH THE ATTORNEY GENERAL.

22 (B) RULES.--THE ATTORNEY GENERAL SHALL PROMULGATE RULES TO
23 IMPLEMENT THIS SECTION.

24 SECTION 2412. CONSUMER FIREWORKS TAX.

25 (A) IMPOSITION.--IN ADDITION TO ANY OTHER TAX IMPOSED BY
26 LAW, A TAX IS IMPOSED ON EACH SEPARATE SALE AT RETAIL OF
27 CONSUMER FIREWORKS, WHICH TAX SHALL BE COLLECTED BY THE RETAILER
28 FROM THE PURCHASER AT THE TIME OF SALE AND SHALL BE PAID OVER TO
29 THE COMMONWEALTH AS PROVIDED IN THIS SECTION. A TAX IMPOSED
30 UNDER THIS SUBSECTION ON EACH SEPARATE SALE AT RETAIL SHALL BE

1 PAID TO AND RECEIVED BY THE DEPARTMENT OF REVENUE AND, ALONG
2 WITH INTEREST AND PENALTIES, SHALL BE DEPOSITED INTO THE GENERAL
3 FUND.

4 (B) RATE.--THE TAX AUTHORIZED UNDER SUBSECTION (A) SHALL BE
5 IMPOSED AND COLLECTED AT THE RATE OF 12% OF THE PURCHASE PRICE
6 PER ITEM SOLD. THE PURCHASE PRICE SHALL INCLUDE STATE AND LOCAL
7 SALES TAXES.

8 (C) COLLECTION AND ADMINISTRATION.--THE PROVISIONS OF PART
9 VI OF ARTICLE II SHALL APPLY TO THE TAX AUTHORIZED UNDER
10 SUBSECTION (A). NO ADDITIONAL FEE SHALL BE CHARGED FOR A LICENSE
11 OR LICENSE RENEWAL OTHER THAN THE LICENSE OR RENEWAL FEE
12 REQUIRED UNDER SECTION 2408 AND THE LICENSE OR RENEWAL FEE
13 AUTHORIZED AND IMPOSED UNDER ARTICLE II.
14 SECTION 2413. DISPOSITION OF CERTAIN FUNDS.

15 (A) TRANSFER.--ONE-SIXTH OF THE TAX COLLECTED UNDER THIS
16 ARTICLE IN A FISCAL YEAR, NOT TO EXCEED \$2,000,000, SHALL BE
17 TRANSFERRED ANNUALLY FOR USE AS FOLLOWS:

18 (1) SEVENTY-FIVE PERCENT OF THE AMOUNT TRANSFERRED UNDER
19 THIS SUBSECTION SHALL BE USED FOR THE PURPOSE OF MAKING
20 GRANTS UNDER 35 PA.C.S. CH. 78 SUBCH. C (RELATING TO
21 EMERGENCY MEDICAL SERVICES GRANT PROGRAM).

22 (2) TWENTY-FIVE PERCENT OF THE AMOUNT TRANSFERRED UNDER
23 THIS SUBSECTION SHALL BE DEPOSITED INTO A SPECIAL ACCOUNT IN
24 THE STATE TREASURY DESIGNATED AS THE ONLINE TRAINING EDUCATOR
25 AND TRAINING REIMBURSEMENT ACCOUNT FOR THE PURPOSES OF
26 DEVELOPING, DELIVERING AND SUSTAINING TRAINING PROGRAMS FOR
27 VOLUNTEER FIREFIGHTERS IN THIS COMMONWEALTH.

28 (3) THE OFFICE OF THE STATE FIRE COMMISSIONER SHALL
29 ESTABLISH GUIDELINES FOR USE OF THE MONEY DEPOSITED UNDER
30 PARAGRAPH (2). BY DECEMBER 31, 2018, AND EACH DECEMBER 31

1 THEREAFTER, THE OFFICE OF THE STATE FIRE COMMISSIONER SHALL
2 PROVIDE A WRITTEN REPORT DETAILING THE USE OF THE MONEY
3 RECEIVED FROM THE PRIOR FISCAL YEAR TO THE CHAIRPERSON AND
4 MINORITY CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS
5 COMMITTEE OF THE SENATE, THE CHAIRPERSON AND MINORITY
6 CHAIRPERSON OF THE VETERANS AFFAIRS AND EMERGENCY
7 PREPAREDNESS COMMITTEE OF THE SENATE, THE CHAIRPERSON AND
8 MINORITY CHAIRPERSON OF THE AGRICULTURE AND RURAL AFFAIRS
9 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE VETERANS
10 AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES.

12 (B) PAYMENTS.--THE TRANSFER REQUIRED UNDER SUBSECTION (A)
13 SHALL BE MADE BY SEPTEMBER 15, 2018, AND EACH SEPTEMBER 15
14 THEREAFTER.

15 SECTION 2414. PENALTIES.

16 THE FOLLOWING SHALL APPLY:

17 (1) A PERSON USING CONSUMER FIREWORKS IN VIOLATION OF
18 THE PROVISIONS OF THIS ARTICLE COMMITS A SUMMARY OFFENSE AND,
19 UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN
20 \$100.

21 (2) A PERSON SELLING CONSUMER FIREWORKS IN VIOLATION OF
22 THE PROVISIONS OF THIS ACT COMMITS A MISDEMEANOR OF THE
23 SECOND DEGREE.

24 (3) A PERSON SELLING DISPLAY FIREWORKS IN VIOLATION OF
25 THE PROVISIONS OF THIS ACT COMMITS A FELONY OF THE THIRD
26 DEGREE.

27 (4) A PERSON SELLING FEDERALLY ILLEGAL EXPLOSIVES SUCH
28 AS DEVICES AS DESCRIBED IN 49 CFR 173.54 (RELATING TO
29 FORBIDDEN EXPLOSIVES) OR THOSE DEVICES THAT HAVE NOT BEEN
30 TESTED, APPROVED AND LABELED BY THE UNITED STATES DEPARTMENT

1 OF TRANSPORTATION, INCLUDING, BUT NOT LIMITED TO, THOSE
2 DEVICES COMMONLY REFERRED TO AS "M-80," "M-100,"
3 "BLOCKBUSTER," "CHERRY BOMB" OR "QUARTER OR HALF STICK"
4 EXPLOSIVE DEVICES, IN VIOLATION OF THE PROVISIONS OF THIS ACT
5 COMMITTS A FELONY OF THE THIRD DEGREE.

6 SECTION 2415. REMOVAL, STORAGE AND DESTRUCTION.

7 THE PENNSYLVANIA STATE POLICE, A SHERIFF OR POLICE OFFICER
8 SHALL TAKE, REMOVE OR CAUSE TO BE REMOVED AT THE EXPENSE OF THE
9 OWNER ALL STOCKS OF CONSUMER FIREWORKS OR DISPLAY FIREWORKS OR
10 COMBUSTIBLES OFFERED OR EXPOSED FOR SALE, STORED OR HELD IN
11 VIOLATION OF THIS ARTICLE. THE OWNER SHALL ALSO BE RESPONSIBLE
12 FOR THE STORAGE AND, IF DEEMED NECESSARY, THE DESTRUCTION OF
13 THESE FIREWORKS.

14 SECTION 2416. TRANSITION.

15 A PERSON WHO, ON THE EFFECTIVE DATE OF THIS SECTION, HOLDS A
16 LICENSE UNDER THE ACT OF MAY 15, 1939 (P.L.134, NO.65), REFERRED
17 TO AS THE FIREWORKS LAW, MAY CONTINUE THE ACTIVITY PERMITTED BY
18 THE LICENSE FOR A PERIOD OF 90 DAYS FOLLOWING THE EFFECTIVE DATE
19 OF THIS SECTION OR THE DATE THE LICENSE EXPIRES BY THE TERMS OF
20 THE LICENSE, WHICHEVER IS SOONER. AFTER THE EXPIRATION OF THE
21 90-DAY PERIOD OR THE LICENSE, WHICHEVER IS SOONER, THE PERSON
22 MUST OBTAIN THE LICENSE REQUIRED UNDER THIS ARTICLE TO CONTINUE
23 THE PERMITTED ACTIVITY, IF APPLICABLE.

24 SECTION 44. SECTION 2702(A) AND (A.1)(2) OF THE ACT ARE
25 AMENDED TO READ:

26 SECTION 2702. PETITION FOR REASSESSMENT.

27 (A) GENERAL RULE.--A TAXPAYER MAY FILE A PETITION FOR
28 REASSESSMENT WITH THE DEPARTMENT WITHIN [90] 60 DAYS AFTER THE
29 MAILING DATE OF THE NOTICE OF ASSESSMENT.

30 (A.1) PETITION FOR REVIEW OF TAX ADJUSTMENT NOT RESULTING IN