

HOUSE BILL NO. 5206

October 24, 2023, Introduced by Reps. Markkanen and Prestin and referred to the Committee on Regulatory Reform.

A bill to amend 2011 PA 256, entitled
"Michigan fireworks safety act,"
by amending section 4 (MCL 28.454), as amended by 2018 PA 634.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A person shall not sell consumer fireworks unless
2 the person annually obtains and maintains a consumer fireworks
3 certificate from the department under this section.

4 (2) A person that fails or neglects to comply with subsection
5 (1) is responsible for a civil fine as follows:

1 (a) For a first violation, not more than \$5,000.00. The
2 department shall determine the amount of the fine imposed under
3 this subdivision by applying a scale, as developed by the
4 department, that reflects the severity of the violation.

5 (b) For a second violation, not more than \$20,000.00.

6 (c) For a third or subsequent violation, not more than
7 \$40,000.00.

8 (3) An applicant for a consumer fireworks certificate shall do
9 all of the following:

10 (a) Submit an application ~~no~~**not** later than April 1 of each
11 year in which the applicant will sell consumer fireworks.

12 (b) Include on the application the name and address of each
13 retail location from which the applicant will sell consumer
14 fireworks.

15 (c) Submit with the application all of the following, as
16 applicable:

17 (i) A nonrefundable consumer fireworks certificate fee of
18 \$1,250.00 for each retail location that is a permanent building or
19 structure or \$1,000.00 for each retail location that is not a
20 permanent building or structure. If the application includes 10 or
21 more retail locations that are not permanent buildings or
22 structures, the fee described in this subdivision ~~shall be~~**is**
23 \$700.00 for each of those locations.

24 (ii) ~~For an~~**If the** applicant ~~who~~ applies for a consumer
25 fireworks certificate for a retail location that is not a permanent
26 building or structure and ~~who~~**the applicant** does not hold a
27 consumer fireworks certificate for a permanent building or
28 structure, a bond in the amount of \$5,000.00 to secure the
29 collection of estimated sales tax and fireworks safety fees.

1 (iii) A copy of the applicant's current sales tax license,
2 including the applicant's account number, issued by the department
3 of treasury for each retail location where the applicant will sell
4 consumer fireworks.

5 (iv) Any other document required by the department.

6 (4) The department shall not issue an initial consumer
7 fireworks certificate to an applicant until the department of
8 treasury has confirmed to the department that each sales tax
9 license submitted by the applicant is current and valid, and that
10 the applicant is otherwise eligible to obtain a consumer fireworks
11 certificate under this act.

12 (5) A consumer fireworks certificate issued under this section
13 is valid from the date of issue until April 30 of the year
14 following the year in which it is issued. A person may **apply to**
15 renew a consumer fireworks certificate for a retail location by
16 ~~making application~~ **certifying**, on a form prescribed by the
17 department, ~~certifying~~ that all information on file with the
18 department is true and correct, that the person's sales tax license
19 for the retail location is current and valid, and that the person
20 has properly remitted all required fireworks safety fees for the
21 preceding year. The department may deny the renewal of a consumer
22 fireworks certificate if the department determines that the
23 applicant did not properly remit all of the required fireworks
24 safety fees ~~For~~ **for** all preceding years, or sales tax for any of
25 the preceding 5 years, during which the applicant held a consumer
26 fireworks certificate. The department shall provide to the
27 department of treasury the sales tax license information received
28 from the applicant and any additional information ~~as may be~~ **that is**
29 necessary to allow the department of treasury to confirm that each

1 sales tax license submitted by the applicant is current and valid.
2 The department shall enter into an agreement with the department of
3 treasury under section 28(1) of 1941 PA 122, MCL 205.28, that will
4 allow the department of treasury to provide that information to the
5 department.

6 (6) Not ~~more~~**later** than 30 days after an application and all
7 required supporting documentation and fees are submitted to the
8 department under this section, the department shall issue a
9 consumer fireworks certificate to the applicant or deny the
10 application. If the department denies the application, the
11 department shall indicate to the applicant the reason for denial.

12 (7) If the department denies an application for a consumer
13 fireworks certificate under this section, the applicant may cure
14 any defect in the application ~~within~~**not later than** 45 days after
15 the denial without paying an additional fee. The department shall
16 not unreasonably delay or deny an application.

17 (8) A consumer fireworks certificate is transferable upon
18 approval by the department and the payment of a \$250.00 transfer
19 fee. The department shall approve the transfer of a consumer
20 fireworks certificate unless the transferee does not satisfy the
21 eligibility requirements for an original consumer fireworks
22 certificate under this act. ~~The department shall not process a
23 request for a transfer of location between June 1 and July 31.~~

24 (9) The holder of a consumer fireworks certificate shall
25 prominently display the original certificate or a copy of the
26 certificate in ~~the~~ each retail location to which the certificate
27 applies. A person that violates this subsection is responsible for
28 a civil fine of \$200.00.

29 (10) The department shall not issue a consumer fireworks

1 certificate to either of the following:

2 (a) A person that is ineligible under this act.

3 (b) A person that has an outstanding fine issued under this
4 act not currently under appeal.

5 (11) The face of ~~the~~**a** consumer fireworks certificate must
6 indicate the location or address for which it was issued.

7 (12) ~~Fees~~**A fee** collected under this section ~~shall~~**must** be
8 deposited in the fireworks safety fund.