

BILL ANALYSIS

Senate Research Center
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H.B. 215
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Engrossed

DIGEST AND PURPOSE

Texas houses, property, and families are subject to fire damage and injury due to unregulated use of fireworks in the unincorporated areas of Harris County. H.B. 215 allows a commissioners court of a county with a population of 3.3 million or more to regulate the sale, possession, or use of fireworks in any part of the unincorporated areas of such county.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 352, Local Government Code, by adding Section 352.053, as follows:

Sec. 352.053. ADDITIONAL COUNTY REGULATION OF FIREWORKS. (a) Provides that this section applies only to a county with a population of 3.3 million or more.

(b) Defines "fireworks."

(c) Provides that this section does not apply to certain items.

(d) Authorizes the commissioners court of a county by order, to protect the public health or safety, to prohibit or otherwise regulate the sale, possession, or use of fireworks in any part of the unincorporated area of the county.

(e) Requires a person selling fireworks in a county that has adopted an order under Subsection (d) to, at every location at which the person sells fireworks in the county, provide reasonable notice of the order and reasonable notice of any area where the sale, possession, or use of fireworks is prohibited or regulated under Subsection (d).

(f) Requires a commissioners court that adopts an order under Subsection (d) to send a copy of the order to the state fire marshal not later than the 30th day after the date the order is adopted.

(g) Requires the state fire marshal to send a copy of each order received under Subsection (f) to each licensed manufacturer, distributor, and jobber in the affected county not later than the 30th day after the date the fire marshal receives the order.

(h) Provides that a person commits an offense if the person knowingly violates a prohibition or other regulation established by an order adopted under this section. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2003.