

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

534R0717

SENATE COMMERCE

ENGROSSED NO. **HB 1241** - 3/2/2010

Introduced by: Representatives Lederman, Blake, Bolin, Brunner, Conzet, Fargen, Feinstein, Greenfield, Jensen, Kirkeby, Kirschman, Novstrup (David), Nygaard, Pitts, Rounds, Solberg, and Solum and Senators Gant, Fryslie, Merchant, Nelson, Nesselhuf, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to establish an additional time period during which
2 fireworks may be sold and discharged and to revise certain provisions regarding county
3 regulation of fireworks.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 34-37-2.2 be amended to read as follows:

6 34-37-2.2. In addition to licenses available in § 34-37-2, two special retail licenses may be
7 obtained for sales to out-of-state residents. The first is a sixty-six day license from the first day
8 of May through the fifth day of July with a required fee of one thousand dollars. The second
9 option is a fifty-seven day license from the sixth day of July through the thirty-first day of
10 August with a required fee of one thousand dollars. The fifty-seven day special retail license
11 also allows the retail sale of fireworks to residents and nonresidents during the period beginning
12 December twenty-third and extending through January second, as provided in § 34-37-10. A
13 copy of the South Dakota law which prohibits the discharge of fireworks and a map of the Black



1 Hills Forest Fire Protection District shall be provided with every sale of fireworks under a
2 license granted pursuant to this section, except for sales occurring from the twenty-seventh day
3 of June through the fifth day of July.

4 Section 2. That § 34-37-10 be amended to read as follows:

5 34-37-10. No person, firm, or corporation may offer fireworks for sale to individuals at retail
6 ~~before the twenty-seventh day of June and after the fifth day of July~~ except during the period
7 beginning June twenty-seventh and extending through July fifth and during the period beginning
8 December twenty-third and extending through January second. Any person obtaining the special
9 sixty-six day or the special fifty-seven day retail licenses may sell fireworks to out-of-state
10 residents for the periods of time designated in § 34-37-2.2. Retail sales to residents and
11 nonresidents during the December twenty-third through January second period may only be
12 made by holders of a special fifty-seven day retail license established pursuant to § 34-37-2.2.
13 Retail sales are not permitted after twelve a.m. or prior to seven a.m. from the twenty-seventh
14 day of June through the fifth day of July and from the twenty-third day of December through the
15 second day of January.

16 Section 3. That § 34-37-16.1 be amended to read as follows:

17 34-37-16.1. Except as otherwise provided in this chapter, it is unlawful for a person to
18 discharge fireworks in this state ~~after the fifth day of July or prior to the twenty-seventh day of~~
19 ~~June~~ except during the period beginning June twenty-seventh and extending through July fifth
20 and during the period beginning December twenty-third and extending through January second.

21 A violation of this section is a Class 2 misdemeanor.

22 Section 4. That § 34-37-19 be amended to read as follows:

23 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside
24 the boundaries of any municipality in those areas where the fire danger, as determined by use

1 of the South Dakota grassland fire danger index published by the National Weather Service, has
2 reached the extreme category in that county during the period from June twentieth to July
3 second, inclusive, and during the period from December twenty-third to January second,
4 inclusive. During any such period, the county's action is suspended if the grassland fire danger
5 index falls below the very high category and ~~shall~~ again ~~become~~ becomes effective if the
6 grassland fire danger index reaches the extreme category.