

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

534R0717

HOUSE BILL NO. 1241

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.

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

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

5 34-37-2.2. In addition to licenses available in § 34-37-2, two special retail licenses may be
6 obtained for sales to out-of-state residents. The first is a sixty-six day license from the first day
7 of May through the fifth day of July with a required fee of one thousand dollars. The second
8 option is a fifty-seven day license from the sixth day of July through the thirty-first day of
9 August with a required fee of one thousand dollars. The fifty-seven day special retail license
10 also allows the retail sale of fireworks to residents and nonresidents during the period beginning
11 December twenty-third and extending through January second, as provided in § 34-37-10. A
12 copy of the South Dakota law which prohibits the discharge of fireworks and a map of the Black
13 Hills Forest Fire Protection District shall be provided with every sale of fireworks under a
14 license granted pursuant to this section, except for sales occurring from the twenty-seventh day



1 of June through the fifth day of July.

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

3 34-37-10. No person, firm, or corporation may offer fireworks for sale to individuals at retail
4 ~~before the twenty-seventh day of June and after the fifth day of July~~ except during the period
5 beginning June twenty-seventh and extending through July fifth and during the period beginning
6 December twenty-third and extending through January second. Any person obtaining the special
7 sixty-six day or the special fifty-seven day retail licenses may sell fireworks to out-of-state
8 residents for the periods of time designated in § 34-37-2.2. Retail sales to residents and
9 nonresidents during the December twenty-third through January second period may only be
10 made by holders of a special fifty-seven day retail license established pursuant to § 34-37-2.2.
11 Retail sales are not permitted after twelve a.m. or prior to seven a.m. from the twenty-seventh
12 day of June through the fifth day of July and from the twenty-third day of December through the
13 second day of January.

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

15 34-37-16.1. Except as otherwise provided in this chapter, it is unlawful for a person to
16 discharge fireworks in this state ~~after the fifth day of July or prior to the twenty-seventh day of~~
17 ~~June~~ except during the period beginning June twenty-seventh and extending through July fifth
18 and during the period beginning December twenty-third and extending through January second.

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