

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

615S0351

HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1056** - 2/9/2011

Introduced by: Representatives Miller, Abdallah, Blake, Bolin, Boomgarden, Deelstra, Dennert, Elliott, Fargen, Feinstein, Greenfield, Haggar, Hansen (Jon), Hawley, Hickey, Hoffman, Hubbel, Hunhoff (Bernie), Jensen, Jones, Killer, Kirkeby, Kloucek, Kopp, Magstadt, Moser, Munsterman, Nelson (Stace), Novstrup (David), Olson (Betty), Rozum, Schaefer, Steele, Stricherz, Tulson, Van Gerpen, Wick, and Willadsen and Senators Lederman, Adelstein, Begalka, Brown, Buhl, Heineman, Maher, Nelson (Tom), Novstrup (Al), Nygaard, Rempelberg, Rave, and Schlekeway

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



1 December twenty-eighth and extending through January first, as provided in § 34-37-10. A copy
2 of the South Dakota law which prohibits the discharge of fireworks and a map of the Black Hills
3 Forest Fire Protection District shall be provided with every sale of fireworks under a license
4 granted pursuant to this section, except for sales occurring from the twenty-seventh day of June
5 through the fifth day of July.

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

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

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

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

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

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

1 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside
2 the boundaries of any municipality in those areas where the fire danger, as determined by use
3 of the South Dakota grassland fire danger index published by the National Weather Service, has
4 reached the extreme category in that county during the period from June twentieth to July
5 second, inclusive, and during the period from December twenty-eighth to January first,
6 inclusive. During any such period, the county's action is suspended if the grassland fire danger
7 index falls below the very high category and ~~shall again become~~ becomes effective if the
8 grassland fire danger index reaches the extreme category.