

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

912U0436

HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1191** - 02/13/2013

Introduced by: Representatives Dryden, Bolin, Conzet, Craig, Cronin, Duvall, Feinstein, Greenfield, Haggar (Don), Haggar (Jenna), Hansen, Hawley, Hickey, Hoffman, Hunhoff (Bernie), Johns, Kopp, Magstadt, Munsterman, Novstrup (David), Olson (Betty), Romkema, Rounds, Rozum, Schaefer, Sly, Solum, Steele, Stevens, Tulson, Verchio, Werner, and Wick and Senators Kirkeby, Begalka, Brown, Heineman (Phyllis), Jensen, Jones, Novstrup (Al), Rampelberg, Rave, Van Gerpen, and White

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of additional retail fireworks
2 licenses.

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

4 Section 1. That § 34-37-2 be amended to read as follows:

5 34-37-2. No person may sell, hold for sale, or offer for sale, as wholesaler or retailer any
6 fireworks in this state unless such person has first obtained a license as a wholesaler or retailer.
7 Application for a license as wholesaler or retailer shall be made to the Department of Public
8 Safety on forms to be prescribed by it. Each application shall be accompanied by the required
9 fee, which shall be five hundred dollars for a wholesaler's license, and twenty-five dollars for
10 a retailer's license. A separate twenty-five dollar retailer's license is required for each sales
11 period, as specified in § 34-37-10, during which a retailer may sell fireworks. Each application
12 for a ~~license as a retailer~~ twenty-five dollar retailer's license in any year must be received by the



1 department no later than ~~the fifteenth day of June of that year~~ fifteen days before the beginning
2 of the sales period. Any application for a twenty-five dollar retailer's license received after that
3 date shall be denied by the department and returned to the applicant together with any
4 application fee submitted. The twenty-five dollar retailer's license expires ~~on the fourteenth day~~
5 ~~of June annually~~ sixty days after the end of the sales period and is renewable annually until the
6 application deadline for the corresponding sales period. The license shall at all times be
7 displayed at the place of business of the holder ~~thereof~~ of the license. The funds received under
8 the provisions of this section shall be deposited in the general fund.

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

10 34-37-10. No person, firm, or corporation may offer fireworks for sale to individuals at retail
11 except during the period beginning June twenty-seventh and extending through July fifth and
12 during the period beginning December twenty-eighth and extending through January first. Any
13 person obtaining the special sixty-six day or the special fifty-seven day retail licenses may sell
14 fireworks to out-of-state residents for the periods of time designated in § 34-37-2.2. Retail sales
15 to residents and nonresidents during the December twenty-eighth through January first period
16 may only be made by holders of a special fifty-seven day retail license established pursuant to
17 § 34-37-2.2 and by holders of a retailer's license as provided in § 34-37-2. Retail sales are not
18 permitted after twelve a.m. or prior to seven a.m. from the twenty-seventh day of June through
19 the fifth day of July and from the twenty-eighth day of December through the first day of
20 January.