



1997 ASSEMBLY BILL 445

July 1, 1997 – Introduced by Representatives WOOD, LA FAVE, M. LEHMAN, GOETSCH, POWERS, JENSEN, NOTESTEIN, R. YOUNG, LAZICH, HANSON, GUNDERSON, GRONEMUS, WILLIAMS, ZIEGELBAUER, ALBERS, HUTCHISON, HAHN, BRANDEMUEHL and AINSWORTH, cosponsored by Senators BRESKE, WEEDEN, RUDE, PLACHE and DECKER. Referred to Committee on State Affairs.

1 **AN ACT to amend** 167.10 (4); and **to create** 167.10 (2m) of the statutes; **relating**
2 **to:** the sale, use, shipping, storage and handling of fireworks and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

Current law authorizes a seller of fireworks to sell only to a person holding a state-issued permit or to a city, village or town. This bill requires a seller of fireworks to obtain and maintain for one year after the date of a sale proof of an individual purchaser's identification or, if the purchaser is a business, the name, mailing address and street address of the business, as well as the amount or quantity of each class of fireworks sold.

Current law does not prohibit a resident wholesaler or jobber from selling fireworks to a person outside this state. This bill prohibits any person from selling fireworks to a minor outside this state. The bill also forbids the sale of fireworks to a nonresident purchaser unless that purchaser signs a statement that the purchaser agrees to comply with the laws of the state of destination concerning the possession, use, storage, packaging and shipping of fireworks.

Finally, the bill requires the department of commerce to promulgate rules pertaining to the identification and documentation requirements of the bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 167.10 (2m) of the statutes is created to read:

2 167.10 (2m) IDENTIFICATION AND DOCUMENTATION REQUIREMENTS. (a) No person
3 may sell fireworks to an individual unless all of the following conditions are met:

4 1. The purchaser, if a resident of this state, identifies himself or herself with
5 a valid operator's license issued under ch. 343, an identification card issued under
6 s. 343.50 or an identification card issued under s. 125.08, 1987 stats.

7 2. The purchaser, if not a resident of this state, identifies himself or herself with
8 a valid operator's or driver's license or an identification card issued by another state
9 to the purchaser that contains the full name, date of birth and residence address of
10 the purchaser; the sex, height, weight and hair and eye color of the purchaser; the
11 name of the issuing state and the card's issuance date and number; and the signature
12 of the purchaser.

13 3. The purchaser, if not a resident of this state, signs a statement that he or she
14 agrees to comply with the laws of the state of destination concerning the possession,
15 use, storage, packaging, shipping and sale of fireworks.

16 (b) For each sale of fireworks, the seller shall obtain and maintain all of the
17 following for one year after the date of sale:

18 1. If the purchaser is an individual, the name, residence address, date of birth
19 and an identification number of the purchaser from identification furnished under
20 par. (a).

