

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: fasttn

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Addl. Drafters: rmarchan

Subject: **Buildings/Safety - fireworks  
Transportation - miscellaneous**

Extra Copies: **PJH, ARG - 1**

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN7004,

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**Topic:**

Fireworks possession, sale, and enforcement

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fasttn 06/17/2001	hhagen 06/18/2001					
/1			rschluet 06/18/2001		lrb_docadmin 06/18/2001		

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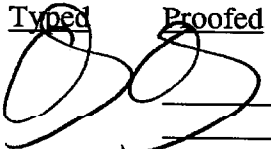
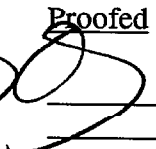
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**Instructions:**

See Attached

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**Drafting History:**

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1?	fasttn	11 hmk 6/18/01					

FE Sent For:

6-18-01

<END>

**FIREWORKS – POSSESSION, SALE AND ENFORCEMENT**

CN7004

This amendment would incorporate the provisions of 2001 Assembly Bill 362 into the state budget. This amendment limits the seizure of fireworks to criminal violations, permits the transportation of fireworks for non-residents under a 12 hour statutory limit, and permits the State Patrol to issue tickets for violations of local permitting ordinances. Nothing in this packet would eliminate or restrict the ability of local governments to regulate or prohibit fireworks within their jurisdictions.

STATUS: Drafted as LRB-1170/3 (attached)  
2001 Assembly Bill 362

DEPARTMENT: General Government/Department of Commerce (DCOMM)  
Wisconsin Statutes Chapter § 167

FISCAL IMPACT: None

INTRODUCTION: SDC

POLITICAL: Wisconsin Fireworks Association Supports.

TNR

## 2001 ASSEMBLY BILL 362

April 30, 2001 - Introduced by Representatives SYKORA, ALBERS, BALOW, GRONEMUS, JOHNSRUD, KREUSER, LA FAVE, MUSSER, PLOUFF, RYBA, STONE, SKINDRUD and PETTIS, cosponsored by Senators BRESKE, BURKE and FARROW. Referred to Committee on Small Business and Consumer Affairs.

1 AN ACT *to amend* 110.07 (1) (a) 1., 110.07 (1) (b), 167.10 (2) (intro.), 167.10 (3)  
2 (a), 167.10 (3) (b) (intro.), 167.10 (3) (bm), 167.10 (4) and 167.10 (8) (b); *to repeal*  
3 *and recreate* 167.10 (3) (title); and *to create* 167.10 (2) (d), 167.10 (3) (b) 8.,  
4 345.11 (1t) and 345.20 (2) (h) of the statutes; **relating to:** the possession and  
5 sale of fireworks, enforcement by the state traffic patrol of restrictions on the  
6 possession and use of fireworks, and limiting seizure of certain fireworks for  
7 law enforcement purposes.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from possessing or using fireworks without a permit unless certain conditions apply. It is unclear under current law whether a person who intends to lawfully sell fireworks must have a permit to possess the fireworks pending their sale. A person who uses or possesses fireworks without a permit is subject to a fine of not more than \$1,000. In addition, fireworks possessed or used by a person who violates any provision of the fireworks laws, any fireworks ordinance, or certain court orders relating to fireworks may be seized and held as evidence of the violation.

With limited exceptions, current law also prohibits the sale of regulated fireworks to any person who does not hold a permit. One exception in current law authorizes a resident wholesaler to sell regulated fireworks "to a person outside of

## ASSEMBLY BILL 362

this state." In *State v. Victory Fireworks, Inc.*, 230 Wis. 2nd 721 (Ct. App. 1999), the court of appeals held that this exception only permits a sale to a person who is physically located outside of this state.

Current law also grants state traffic patrol officers specific power and duties, including the enforcement of state traffic laws, enforcement of the conditions placed on the possession and transport of a firearm, bow, or crossbow, and enforcement of the prohibition against littering on a highway. This bill expands the powers and duties of state traffic patrol officers to include the enforcement of the permit requirement for the possession and use of fireworks, where applicable, to highways. In exercising this new power and duty, state traffic patrol officers may issue uniform traffic citations for violations of the permit requirement. This bill also prohibits a court from forwarding a record of conviction for violation of the permit requirement to the department of transportation (DOT) and prohibits DOT from assessing any demerit points against the person's driving record for the conviction.

This bill also reverses *State v. Victory Fireworks, Inc.* Under this bill, a resident wholesaler may sell regulated fireworks to any nonresident person if the nonresident person gives the wholesaler a signed statement indicating that the fireworks are for use outside of this state. The bill authorizes a nonresident person to transport fireworks to an out-of-state location and to stop in any city, town, or village for up to 12 hours while en route to the out-of-state destination. This authorization is similar to an authorization in current law that applies to a person who is transporting fireworks to a permitted location within this state. Under the bill, a nonresident person may still purchase fireworks for use within this state if the nonresident person meets the requirements for use and possession in current law.

In addition, this bill clarifies that a person who intends to lawfully sell regulated fireworks may possess the fireworks without first obtaining a fireworks permit. The bill also deletes the authority for the seizure of fireworks that are possessed or used in violation of the fireworks laws or a fireworks ordinance, unless the violation is subject to criminal penalties under the fireworks laws. The bill retains the authority to seize fireworks that are possessed or used in violation of certain court orders.

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

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

- 1 SECTION 1. 110.07 (1) (a) 1. of the statutes is amended to read:
- 2 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
- 3 chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),

1 167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to  
2 highways, or orders or rules issued pursuant thereto.

3 SECTION 2. 110.07 (1) (b) of the statutes is amended to read:

4 110.07 (1) (b) All municipal judges, judges, district attorneys, and law  
5 enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31  
6 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued  
7 pursuant thereto and shall report to the department the disposition of every uniform  
8 traffic citation issued for cases involving those chapters.

9 SECTION 3. 167.10 (2) (intro.) of the statutes is amended to read:

10 167.10 (2) SALE. (intro.) No person may sell ~~or possess with intent to sell~~  
11 fireworks, except to any of the following:

12 (a) ~~To a~~ A person holding a permit under sub. (3) (c);

13 (b) ~~To a~~ A city, village, or town; ~~or~~.

14 (c) ~~For~~ A person for a purpose specified under sub. (3) (b) 2. to 6.

15 SECTION 4. 167.10 (2) (d) of the statutes is created to read:

16 167.10 (2) (d) A nonresident person who, prior to the sale, gives the seller a  
17 signed statement indicating that the fireworks are for use outside of this state.

18 SECTION 5. 167.10 (3) (title) of the statutes is repealed and recreated to read:

19 167.10 (3) (title) POSSESSION AND USE.

20 SECTION 6. 167.10 (3) (a) of the statutes is amended to read:

21 167.10 (3) (a) ~~No~~ Except as otherwise provided in this paragraph, no person  
22 may possess or use fireworks without a user's permit from the mayor of the city,  
23 president of the village, or chairperson of the town in which the possession or use is  
24 to occur or from an official or employee of that municipality designated by the mayor,  
25 president, or chairperson. This paragraph does not prohibit the possession of

1 fireworks with intent to sell the fireworks in compliance with sub. (2). No person may  
2 use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending  
3 a fireworks display for which a permit has been issued to a person listed under par.  
4 (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

5 SECTION 7. 167.10 (3) (b) (intro.) of the statutes is amended to read:

6 167.10 (3) (b) (intro.) ~~Paragraph (a) does~~ The prohibitions under par. (a) do not  
7 apply to:

8 SECTION 8. 167.10 (3) (b) 8. of the statutes is created to read:

9 167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by  
10 a nonresident person in any city, town, or village if the nonresident person intends  
11 to use the fireworks outside of this state and is transporting the fireworks to a  
12 location outside of this state.

13 SECTION 9. 167.10 (3) (bm) of the statutes is amended to read:

14 167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under  
15 par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or  
16 village, the person remains in that city, town, or village for a period of at least 12  
17 hours.

18 SECTION 10. 167.10 (4) of the statutes is amended to read:

19 167.10 (4) ~~OUT OF STATE AND IN STATE SHIPPING.~~ SHIPPING AND TRANSPORTING.

20 This section does not prohibit a resident wholesaler or jobber from selling fireworks  
21 to a nonresident person ~~outside of this state~~ or to a person or group granted a permit  
22 under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the  
23 fireworks sold under this subsection shall package and ship the fireworks in  
24 accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2),  
25 and (11), common motor carrier, contract motor carrier, or private motor carrier.

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1 SECTION 11. 167.10 (8) (b) of the statutes is amended to read:

2 167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person  
3 who violates ~~this section, an ordinance adopted under sub. (5) sub. (6m) (a), (b), or~~  
4 (c): a rule promulgated under sub. (6m) (e): or a court order under par. (a) may be  
5 seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only  
6 the fireworks that are the subject of a violation of this section, an ordinance adopted  
7 under sub. (5), or a court order under par. (a) may be destroyed after conviction for  
8 a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence  
9 of a violation for which no conviction results shall be returned to the owner in the  
10 same condition as they were when seized to the extent practicable.

11 SECTION 12. 345.11 (1t) of the statutes is created to read:

12 345.11 (1t) The uniform traffic citation may be used by a traffic officer  
13 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a  
14 highway.

15 SECTION 13. 345.20 (2) (h) of the statutes is created to read:

16 345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover  
17 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed  
18 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No  
19 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the  
20 department.

21

(END)



**To: Members of Small Business Committee**

Thank you for the opportunity to speak on AB 362 the Sykora Fireworks bill. Fireworks are popular and legal in Wisconsin. The voters of the Town of Raymond in Racine County recently approved a referendum permitting fireworks sales by a margin of over 75%. The town generates over \$70,000 in revenue from the sale of permits.

Since 1976 national fireworks sales increased 540% while injuries have decreased 86%. In states where fireworks are outlawed, accident rates are not as low as states, like Wisconsin, which regulate them.

In a handful of jurisdictions in Wisconsin, some officials have made it their mission to drive legitimate fireworks retailers out of business by seizing entire inventories.

**AB 362 Fireworks -Sykora - What does this bill do?**

1. **Seizure of fireworks is limited to criminal violation.** *No where else in Wisconsin law does an ordinance permit seizure. Municipalities do not seize entire inventories of any other retailer. Some inventories have been seized in an attempt to shut down fireworks sales just before the 4<sup>th</sup> of July.*
2. *Some fireworks retailers have been harassed and had their inventory seized because they do not possess a sellers permit. A sellers permit is not contemplated under Wisconsin law. This simply restates the law and should help eliminate harassment seizure where inventory is returned after the 4<sup>th</sup> of July.*
3. **Permits possession for transport to nonresidents** provided they meet 12-hour statutory time limit. *Nonresidents and residents are still subject to local use ordinances. This provision recognizes that an out of state person is traveling and should not be subject to local purchase restrictions of otherwise legal fireworks under Wisconsin law. This restores the intent of 1995 WI Act 330, supported by Speaker Jensen and Senate Majority Leader Chvala.*
4. **Permits the State Patrol to issue tickets for violations of local permitting ordinances as opposed to full custody arrest.** *This frees-up State Patrol time and resources and provides for a person to challenge a ticket in the jurisdiction familiar with its own local rules on fireworks. It is difficult for the State Patrol to be familiar with all the differing ordinances in each of the jurisdictions it provides traffic patrols.*  
- Supported by State Patrol -

**This bill does NOT change the definition of any consumer firework product.**

2001

Date (time) needed soon  
(turned in 6/17)

LRB b. 102511

**AMDT TO BUDGET SUB AMDT**

TNF : hnh : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**SENATE AMENDMENT**  
~~TO SENATE AMENDMENT~~  
**TO SENATE SUBSTITUTE AMENDMENT 1,**  
**TO 2001 SENATE BILL 55**

At the locations indicated, amend the substitute amendment ~~(amendment)~~ as follows:

#. Page 912, line 11: after that line insert:

#. Page 2, line 2:

#. Page ..., line 2:

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...:

ASSEMBLY BILL 362

this state." In *State v. Victory Fireworks, Inc.*, 230 Wis. 2nd 721 (Ct. App. 1999), the court of appeals held that this exception only permits a sale to a person who is physically located outside of this state.

Current law also grants state traffic patrol officers specific power and duties, including the enforcement of state traffic laws, enforcement of the conditions placed on the possession and transport of a firearm, bow, or crossbow, and enforcement of the prohibition against littering on a highway. This bill expands the powers and duties of state traffic patrol officers to include the enforcement of the permit requirement for the possession and use of fireworks, where applicable, to highways. In exercising this new power and duty, state traffic patrol officers may issue uniform traffic citations for violations of the permit requirement. This bill also prohibits a court from forwarding a record of conviction for violation of the permit requirement to the department of transportation (DOT) and prohibits DOT from assessing any demerit points against the person's driving record for the conviction.

This bill also reverses *State v. Victory Fireworks, Inc.* Under this bill, a resident wholesaler may sell regulated fireworks to any nonresident person if the nonresident person gives the wholesaler a signed statement indicating that the fireworks are for use outside of this state. The bill authorizes a nonresident person to transport fireworks to an out-of-state location and to stop in any city, town, or village for up to 12 hours while en route to the out-of-state destination. This authorization is similar to an authorization in current law that applies to a person who is transporting fireworks to a permitted location within this state. Under the bill, a nonresident person may still purchase fireworks for use within this state if the nonresident person meets the requirements for use and possession in current law.

In addition, this bill clarifies that a person who intends to lawfully sell regulated fireworks may possess the fireworks without first obtaining a fireworks permit. The bill also deletes the authority for the seizure of fireworks that are possessed or used in violation of the fireworks laws or a fireworks ordinance, unless the violation is subject to criminal penalties under the fireworks laws. The bill retains the authority to seize fireworks that are possessed or used in violation of certain court orders.

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:*

2599m.

x

- 1 SECTION 110.07 (1) (a) 1. of the statutes is amended to read:
- 2 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
- 3 chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),

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2599mg.  
1 167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to  
2 highways, or orders or rules issued pursuant thereto.

3 SECTION ~~110.07~~ 110.07 (1) (b) of the statutes is amended to read:

4 110.07 (1) (b) All municipal judges, judges, district attorneys, and law  
5 enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31  
6 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued  
7 pursuant thereto and shall report to the department the disposition of every uniform  
8 traffic citation issued for cases involving those chapters. " .

9 SECTION ~~167.10~~ 167.10 (2) (intro.) of the statutes is amended to read: 2881ae.

10 167.10 (2) SALE. (intro.) No person may sell ~~or possess with intent to sell~~  
11 fireworks, except to any of the following:

12 (a) ~~To a~~ A person holding a permit under sub. (3) (c);

13 (b) ~~To a~~ A city, village, or town; ~~or,~~

14 (c) ~~For~~ A person for a purpose specified under sub. (3) (b) 2. to 6.

15 2881af. SECTION ~~167.10~~ 167.10 (2) (d) of the statutes is created to read:

16 167.10 (2) (d) A nonresident person who, prior to the sale, gives the seller a  
17 signed statement indicating that the fireworks are for use outside of this state.

18 SECTION ~~167.10~~ 167.10 (3) (title) of the statutes is repealed and recreated to read:

2881ag.  
19 167.10 (3) (title) POSSESSION AND USE.

20 2881ah. SECTION ~~167.10~~ 167.10 (3) (a) of the statutes is amended to read:

21 167.10 (3) (a) ~~No~~ Except as otherwise provided in this paragraph, no person  
22 may possess or use fireworks without a user's permit from the mayor of the city,  
23 president of the village, or chairperson of the town in which the possession or use is  
24 to occur or from an official or employee of that municipality designated by the mayor,  
25 president, or chairperson. This paragraph does not prohibit the possession of

#. Page 965, line 4: after that line insert:

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2881aj.

1 fireworks with intent to sell the fireworks in compliance with sub. (2). No person may  
2 use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending  
3 a fireworks display for which a permit has been issued to a person listed under par.  
4 (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

5 SECTION 167.10 (3) (b) (intro.) of the statutes is amended to read:

6 167.10 (3) (b) (intro.) ~~Paragraph (a) does~~ The prohibitions under par. (a) do not  
7 apply to:

2881ak.

8 SECTION 167.10 (3) (b) 8. of the statutes is created to read:

9 167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by  
10 a nonresident person in any city, town, or village if the nonresident person intends  
11 to use the fireworks outside of this state and is transporting the fireworks to a  
12 location outside of this state.

2881am.

13 SECTION 167.10 (3) (bm) of the statutes is amended to read:

14 167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under  
15 par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or  
16 village, the person remains in that city, town, or village for a period of at least 12  
17 hours.

2881an.

18 SECTION 167.10 (4) of the statutes is amended to read:

19 167.10 (4) ~~OUT-OF-STATE AND IN-STATE SHIPPING.~~ SHIPPING AND TRANSPORTING.

20 This section does not prohibit a resident wholesaler or jobber from selling fireworks  
21 to a nonresident person outside of this state or to a person or group granted a permit  
22 under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the  
23 fireworks sold under this subsection shall package and ship the fireworks in  
24 accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2),  
25 and (11), common motor carrier, contract motor carrier, or private motor carrier.

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① SECTION ~~14~~ <sup>2881a p. x</sup> 167.10 (8) (b) of the statutes is amended to read:

2 167.10 (8) (b) Fireworks stored, handled, sold, possessed, or used by a person  
3 who violates ~~this section, an ordinance adopted under sub. (5)~~ sub. (6m) (a), (b), or  
4 (c); a rule promulgated under sub. (6m) (e); or a court order under par. (a) may be  
5 seized and held as evidence of the violation. Except as provided in s. 968.20 (4), only  
6 the fireworks that are the subject of a violation of this section, an ordinance adopted  
7 under sub. (5), or a court order under par. (a) may be destroyed after conviction for  
8 a violation. Except as provided in s. 968.20 (4), fireworks that are seized as evidence  
9 of a violation for which no conviction results shall be returned to the owner in the  
10 same condition as they were when seized to the extent practicable. "

⑪ SECTION ~~12~~ <sup>3427t.</sup> 345.11 <sup>x</sup> (1t) of the statutes is created to read:

12 345.11 (1t) The uniform traffic citation may be used by a traffic officer  
13 employed under s. 110.07 for a violation of s. 167.10 (3) (a) when committed on a  
14 highway.

⑮ SECTION ~~13~~ <sup>3427tg.</sup> 345.20 (2) (h) of the statutes is created to read:

16 345.20 (2) (h) Sections 23.50 to 23.85 apply to actions in circuit court to recover  
17 forfeitures for violations of s. 167.10 (3) (a). No demerit points may be assessed  
18 against the driving record of a person convicted of a violation of s. 167.10 (3) (a). No  
19 report of conviction of a violation of s. 167.10 (3) (a) may be forwarded to the  
20 department. "

21 (END)

Page 1118, line 21: after that line insert:

SDC:.....Keckhaver – CN7004, Fireworks possession, sale, and enforcement

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** Page 912, line 11: after that line insert:

3           “**SECTION 2599m.** 110.07 (1) (a) 1. of the statutes is amended to read:

4           110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
5           chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),  
6           167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to  
7           highways, or orders or rules issued pursuant thereto.

8           **SECTION 2599mg.** 110.07 (1) (b) of the statutes is amended to read:

9           110.07 (1) (b) All municipal judges, judges, district attorneys, and law  
10          enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31

1 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued  
2 pursuant thereto and shall report to the department the disposition of every uniform  
3 traffic citation issued for cases involving those chapters.”.

4 **2.** Page 965, line 5: after that line insert:

5 “**SECTION 2881ae.** 167.10 (2) (intro.) of the statutes is amended to read:

6 167.10 (2) SALE. (intro.) No person may sell ~~or possess with intent to sell~~  
7 fireworks, except to any of the following:

8 (a) ~~To a~~ A person holding a permit under sub. (3) (c);

9 (b) ~~To a~~ A city, village, or town; ~~or,~~

10 (c) ~~For~~ A person for a purpose specified under sub. (3) (b) 2. to 6.

11 **SECTION 2881af.** 167.10 (2) (d) of the statutes is created to read:

12 167.10 (2) (d) A nonresident person who, prior to the sale, gives the seller a  
13 signed statement indicating that the fireworks are for use outside of this state.

14 **SECTION 2881ag.** 167.10 (3) (title) of the statutes is repealed and recreated to  
15 read:

16 167.10 (3) (title) POSSESSION AND USE.

17 **SECTION 2881ah.** 167.10 (3) (a) of the statutes is amended to read:

18 167.10 (3) (a) ~~No~~ Except as otherwise provided in this paragraph, no person  
19 may possess or use fireworks without a user’s permit from the mayor of the city,  
20 president of the village, or chairperson of the town in which the possession or use is  
21 to occur or from an official or employee of that municipality designated by the mayor,  
22 president, or chairperson. This paragraph does not prohibit the possession of  
23 fireworks with intent to sell the fireworks in compliance with sub. (2). No person may  
24 use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending



1 a fireworks display for which a permit has been issued to a person listed under par.  
2 (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

3 **SECTION 2881aj.** 167.10 (3) (b) (intro.) of the statutes is amended to read:

4 167.10 (3) (b) (intro.) ~~Paragraph (a) does~~ The prohibitions under par. (a) do not  
5 apply to:

6 **SECTION 2881ak.** 167.10 (3) (b) 8. of the statutes is created to read:

7 167.10 (3) (b) 8. Except as provided in par. (bm), the possession of fireworks by  
8 a nonresident person in any city, town, or village if the nonresident person intends  
9 to use the fireworks outside of this state and is transporting the fireworks to a  
10 location outside of this state.

11 **SECTION 2881am.** 167.10 (3) (bm) of the statutes is amended to read:

12 167.10 (3) (bm) Paragraph (a) applies to a person transporting fireworks under  
13 par. (b) 7. or 8. if, in the course of transporting the fireworks through a city, town, or  
14 village, the person remains in that city, town, or village for a period of at least 12  
15 hours.

16 **SECTION 2881an.** 167.10 (4) of the statutes is amended to read:

17 167.10 (4) ~~OUT-OF-STATE AND IN-STATE SHIPPING.~~ SHIPPING AND TRANSPORTING.  
18 This section does not prohibit a resident wholesaler or jobber from selling fireworks  
19 to a nonresident person ~~outside of this state~~ or to a person or group granted a permit  
20 under sub. (3) (c) 1. to 7. A resident wholesaler or resident jobber that ships the  
21 fireworks sold under this subsection shall package and ship the fireworks in  
22 accordance with applicable state and federal law by, as defined in s. 194.01 (1), (2),  
23 and (11), common motor carrier, contract motor carrier, or private motor carrier.

24 **SECTION 2881ap.** 167.10 (8) (b) of the statutes is amended to read:

