

2005 ASSEMBLY BILL 833

November 17, 2005 – Introduced by Representatives PETTIS, KRAWCZYK, GUNDERSON, GRONEMUS, F. LASEE and MUSSER, cosponsored by Senators S. FITZGERALD, DECKER, REYNOLDS, ROBSON, HANSEN, KEDZIE and BRESKE. Referred to Committee on Tourism.

1 **AN ACT to amend** 167.10 (3) (c) (intro.) and 167.10 (4); and **to repeal and**
2 **recreate** 167.10 (3) (c) 6. of the statutes; **relating to:** the issuance of permits
3 to individuals for the use of fireworks and the sale of fireworks to nonresidents.

Analysis by the Legislative Reference Bureau

Current law regulates the sale, use, and possession of certain fireworks. With limited exceptions, current law prohibits the sale of regulated fireworks to any person who does not hold a fireworks user's permit. An exception in current law authorizes a resident wholesaler to sell regulated fireworks "to a person outside of this state." In *State v. Victory Fireworks, Inc.*, 230 Wis. 2d 721, 602 N.W.2d 128 (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.

This bill reverses *State v. Victory Fireworks, Inc.* Under this bill, a resident wholesaler may sell regulated fireworks to any nonresident person, regardless of the person's location, for use outside this state, without the nonresident person having a permit. 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.

Under current law, a fireworks user's permit may be issued only to an entity such as an amusement park, park board, or a civic organization. A user's permit may also be issued to any group of individuals. The bill eliminates the requirement that individuals be in a group and allows a permit to be issued to a single individual.

