

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0043.01 Jacob Baus x2173

HOUSE BILL 21-1235

HOUSE SPONSORSHIP

Bird and Benavidez, Duran, Esgar, Gray, Hooton, McCormick, Mullica, Ricks, Sirota, Valdez A.

SENATE SPONSORSHIP

Story,

House Committees

Transportation & Local Government

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE PUBLIC SAFETY THROUGH THE**
102 **MODIFICATION OF THE REGULATION OF FIREWORKS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that it is unlawful for a person who is licensed as a retailer, display retailer, wholesaler, or importer of fireworks to sell, offer for sale, expose for sale, possess with intent to sell, deliver, consign, give, or otherwise furnish fireworks outside the scope of what the person's license permits.

The bill eliminates the ability for an exporter of fireworks licensee

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
2nd Reading Unamended
April 7, 2021

(exporter) to sell certain fireworks for transport in the purchaser's vehicle if the purchaser displays to the exporter a valid driver's license issued by a state other than Colorado and a valid vehicle registration showing the purchaser owns a vehicle in a state other than Colorado.

The bill allows an exporter to sell certain fireworks for transport in the purchaser's vehicle if the purchaser displays to the exporter a valid driver's license issued by a jurisdiction other than Colorado and a valid wholesale or retail license number or resale license number issued by a state or local authority located outside the state of Colorado.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-2002, **add**
3 (7.5), (8.3), (8.5), and (8.7) as follows:

4 **24-33.5-2002. Unlawful use or sale of fireworks - exceptions.**

5 (7.5) IT IS UNLAWFUL FOR A PERSON LICENSED AS A RETAILER PURSUANT
6 TO THIS PART 20 TO SELL, OFFER FOR SALE, EXPOSE FOR SALE, POSSESS
7 WITH INTENT TO SELL, DELIVER, CONSIGN, OR OTHERWISE FURNISH A
8 FIREWORK, EXCEPT A PERMISSIBLE FIREWORK, TO ANOTHER PERSON.

9 (8.3) IT IS UNLAWFUL FOR A PERSON LICENSED AS A DISPLAY
10 RETAILER PURSUANT TO THIS PART 20 TO SELL, OFFER FOR SALE, EXPOSE
11 FOR SALE, POSSESS WITH INTENT TO SELL, DELIVER, CONSIGN, GIVE, OR
12 OTHERWISE FURNISH A FIREWORK, EXCEPT DISPLAY FIREWORKS OR
13 ARTICLES PYROTECHNIC TO A PERSON AUTHORIZED BY SECTION
14 24-33.5-2003.

15 (8.5) IT IS UNLAWFUL FOR A PERSON LICENSED AS A WHOLESALER
16 PURSUANT TO THIS PART 20 TO SELL, OFFER FOR SALE, EXPOSE FOR SALE,
17 POSSESS WITH INTENT TO SELL, DELIVER, CONSIGN, GIVE, OR OTHERWISE
18 FURNISH A FIREWORK, EXCEPT PERMISSIBLE FIREWORKS TO A RETAILER
19 FOR RESALE IN COLORADO.

20 (8.7) IT IS UNLAWFUL FOR A PERSON LICENSED AS AN EXPORTER

1 PURSUANT TO THIS PART 20 TO SELL, OFFER FOR SALE, EXPOSE FOR SALE,
2 POSSESS WITH INTENT TO SELL, DELIVER, CONSIGN, GIVE, OR OTHERWISE
3 FURNISH A FIREWORK TO A PERSON, EXCEPT AS PROVIDED BY SECTION
4 24-33.5-2006.

5 SECTION 2. In Colorado Revised Statutes, 24-33.5-2006,
6 amend (2) as follows:

7 24-33.5-2006. **Exportation of fireworks.** (2) The exporter may
8 transport such fireworks by common carrier or by the exporter's vehicle;
9 except that the sale of the fireworks for transport in the purchaser's
10 vehicle is unlawful unless

11 ~~(a) The exporter requires the purchaser to display a valid motor~~
12 ~~vehicle driver's license issued by a state other than the state of Colorado~~
13 ~~and records the number and state of issue of such driver's license on the~~
14 ~~bill of lading pertaining to the sale, and further requires the purchaser to~~
15 ~~display a valid motor vehicle registration showing that the purchaser~~
16 ~~owns a motor vehicle licensed in a state other than the state of Colorado,~~
17 ~~which license plate number and state of issue shall be recorded on the bill~~
18 ~~of lading pertaining to the sale; or~~

19 (b) the exporter requires the purchaser to display a valid motor
20 vehicle driver's license issued by the state of Colorado and records the
21 number and state JURISDICTION of issue of the driver's license on the bill
22 of lading pertaining to the sale, and further requires the purchaser to
23 furnish a valid EXPORTER OF FIREWORKS LICENSE ISSUED PURSUANT TO
24 THIS PART 20, OR A VALID wholesale, ~~or~~ retail, ~~license number~~ or resale
25 license number issued by the governing body of a state or local authority
26 located outside of the state of Colorado, which number and state OR
27 LOCAL AUTHORITY of issue ~~shall~~ MUST be recorded on the bill of lading

1 pertaining to the sale.

2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.