

ADOPTED

Representative Hamilton of the 24th offers the following amendment:

1 *Amend the House Committee on Regulated Industries substitute to HB 110 (LC 36 2743S)*
2 *by inserting after "lightning;" on line 4 the following:*

3 to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
4 provisions applicable to counties and municipal corporations, so as to allow for local
5 governments to further regulate or prohibit the sale of consumer fireworks from a temporary
6 consumer fireworks retail sales stand;

7 *By deleting line 44 and inserting in lieu thereof the following:*
8 by NFPA 1124.

9 *By deleting line 101 and inserting in lieu thereof the following:*
10 to sell consumer fireworks from any tent, canopy, membrane structure, or motor vehicle or
11 from a trailer towed by a motor

12 *By deleting lines 103 through 106 and inserting in lieu thereof the following:*

13 (7)(A) It shall be unlawful for any person to offer for sale any consumer fireworks
14 from a temporary consumer fireworks retail sales stand unless such person in so doing
15 is acting as an agent or bona fide representative of a nonprofit group or as an assistant
16 to such agent or bona fide representative.

17 (B) It shall be unlawful for a nonprofit group or any agent or bona fide representative
18 of a nonprofit group to lend the name of the nonprofit group or allow the identity of the
19 nonprofit group to be used in the operation or advertising of a temporary consumer
20 fireworks retail sales stand for which such nonprofit group is not directly participating
21 in operating.

22 (C) It shall be unlawful for any person other than a nonprofit group to benefit
23 financially from the sales of consumer fireworks in a temporary consumer fireworks
24 retail sales stand. No profits, revenues, or other financial benefits shall accrue to any
25 person other than a nonprofit group from the sales of consumer fireworks in any
26 temporary consumer fireworks retail sales stand."

27 *By adding after the period at the end of line 138 the following:*

28 The Safety Fire Commissioner shall issue no more than two licenses per county per
 29 calendar year for the sale of consumer fireworks from a temporary consumer fireworks
 30 retail sales stand. No license for the sale of consumer fireworks from a temporary
 31 consumer fireworks retail sales stand shall be issued for a location if such location is within
 32 a county or municipal corporation that has prohibited sales from temporary consumer
 33 fireworks retail sales stands pursuant to Code Section 36-60-24.

34 *By inserting between lines 177 and 178 the following:*

35 **SECTION 6A.**

36 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
 37 applicable to counties and municipal corporations, is amended by adding a new subsection
 38 and revising subsection (c) of Code Section 36-60-24, relating to the sale of products or
 39 services, as follows:

40 "(c) Notwithstanding subsections (a) and (b) of this Code section, the governing authority
 41 of a county or municipal corporation may further regulate or prohibit the sale of consumer
 42 fireworks from a temporary consumer fireworks retail sales stand. For purposes of this
 43 subsection, the terms 'consumer fireworks' and 'consumer fireworks retail sales stand' shall
 44 have the same meanings as provided in Code Section 25-10-1.

45 ~~(c)~~(d) Any ordinance enacted before, on, or after July 1, 2006, by a county or municipal
 46 corporation in violation of this Code section is void."