

The House Committee on Regulated Industries offers the following substitute to HB 419:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to  
2 prohibited fireworks activities, so as to subject the use or ignition of consumer fireworks to  
3 noise ordinances of counties and municipal corporations; to provide for related matters; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 25-10-2 of the Official Code of Georgia Annotated, relating to prohibited  
8 fireworks activities, is amended by revising subparagraphs (b)(3)(B) and (b)(3)(D), as  
9 follows:

10 "(B) Except as provided for in subparagraph (D) or (E) of this paragraph and subject  
11 to paragraph (4) of this subsection and Code Section 25-10-2.1, it shall be lawful for  
12 any person, firm, corporation, association, or partnership to use or ignite or cause to be  
13 ignited any consumer fireworks:

14 (i) On any day beginning at the time of 10:00 A.M. and up to and including the  
15 ending time of ~~9:00 P.M.~~;

16 ~~(ii) On any day after the time of 9:00 P.M. and up to and including the time of 11:59~~  
17 P.M. if such use or ignition is lawful pursuant to any noise ordinance of the county  
18 or municipal corporation of the location in which such use or ignition occurs, except  
19 as otherwise provided for under this subparagraph; provided, however, that a county  
20 or municipal corporation may additionally require the issuance of a special use permit  
21 pursuant to subparagraph (D) of this paragraph for use or ignition;

22 ~~(iii)~~(ii) On January 1, July 3, July 4, and December 31 of each year after the time of  
23 ~~9:00 P.M.~~ 10:00 A.M. and up to and including the time of 11:59 P.M.; and

24 ~~(iv)~~(iii) On January 1 of each year beginning at the time of 12:00 Midnight and up  
25 to and including the ending time of 1:00 A.M.

26 (D) Any person, firm, corporation, association, or partnership may use or ignite or  
27 cause to be ignited any consumer fireworks as provided for under divisions ~~(3)(B)(ii)~~  
28 (3)(B)(i) and (3)(C)(v) of this subsection if such person, firm, corporation, association,  
29 or partnership is issued a special use permit pursuant to the law of a governing authority  
30 of a county or municipal corporation for the use or ignition of consumer fireworks in  
31 a location within such county or municipality as provided for under divisions ~~(3)(B)(ii)~~  
32 (3)(B)(i) and (3)(C)(v) of this subsection, provided that such special use permit is  
33 required for such use or ignition. Such special use permit shall designate the time or  
34 times and location that such person, firm, corporation, association, or partnership may  
35 use or ignite or cause to be ignited such consumer fireworks. A fee assessed by a  
36 county or municipal corporation for the issuance of a special use permit pursuant to this  
37 subparagraph shall not exceed \$100.00. No governing authority or official of a county,  
38 municipality, or other political subdivision shall bear liability for any decisions made  
39 pursuant to this Code section."

40 **SECTION 2.**

41 All laws and parts of laws in conflict with this Act are repealed.