

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 805

Introduced by Lautenbaugh, 18.

Read first time January 05, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the State Fire Marshal; to amend sections
2 28-1239.01 and 28-1246, Revised Statutes Cumulative
3 Supplement, 2010; to remove the social security number
4 requirement from certain fireworks permit and license
5 applications; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1239.01, Revised Statutes
2 Cumulative Supplement, 2010, is amended to read:

3 28-1239.01 (1) No person shall conduct a public
4 exhibition or display of display fireworks without first procuring a
5 display permit from the State Fire Marshal. ~~If the applicant is an~~
6 ~~individual, the application for a display permit shall include the~~
7 ~~applicant's social security number.~~ Such application for a display
8 permit shall be accompanied by a fee of ten dollars to be deposited
9 in the State Fire Marshal Cash Fund.

10 (2) No display fireworks shall be sold or delivered by a
11 licensed distributor to any person who is not in possession of an
12 approved display permit. Sales of display fireworks to persons
13 without an approved display permit shall be subject to sections
14 28-1213 to 28-1239.

15 Sec. 2. Section 28-1246, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 28-1246 (1) It shall be unlawful for any person to sell,
18 hold for sale, or offer for sale as a distributor, jobber, or
19 retailer any fireworks in this state unless such person has first
20 obtained a license as a distributor, jobber, or retailer. Application
21 for each such license shall be made to the State Fire Marshal on
22 forms prescribed by him or her. ~~If the applicant is an individual,~~
23 ~~each application shall include the applicant's social security~~
24 ~~number.~~ Each application shall be accompanied by the required fee,
25 which shall be five hundred dollars for a distributor's license, two

1 hundred dollars for a jobber's license, and twenty-five dollars for a
2 retailer's license. Each application for a retailer's license shall
3 be received by the State Fire Marshal at least ten business days
4 prior to the sales period, as set forth in section 28-1249, in which
5 the retailer wishes to sell consumer fireworks. A retailer's license
6 shall be good only for the specific sales period listed on the
7 application and within the calendar year in which issued. The
8 retailer's license shall at all times be displayed at the place of
9 business of the holder thereof.

10 (2) The funds received pursuant to this section shall be
11 remitted to the State Treasurer for credit to the State Fire Marshal
12 Cash Fund.

13 Sec. 3. Original sections 28-1239.01 and 28-1246, Revised
14 Statutes Cumulative Supplement, 2010, are repealed.