

BILL ANALYSIS

Senate Research Center

S.B. 1256
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Fireworks present an unchecked hazard in both urban and rural counties in the state. As proposed, S.B. 1256 provides for the reasonable regulation of fireworks, including providing for safe distances for discharge and storage of fireworks and focusing a state fireworks advisory council on safety. S.B. 1256 prohibits a person from exploding or igniting fireworks within 600 feet of a veterinary hospital or facility that houses animals, within 300 feet of a residential dwelling without the owner's permission, or within 300 feet of a place where fireworks are stored or sold or from a place where flammable liquids or compressed gasses are stored and dispensed. S.B. 1256 also broadens the composition of a five-member fireworks advisory council at the Texas Department of Insurance. The advisory council is required to focus on safety and on recommending rule changes to promote public safety and property protection, including changes that could lower insurance costs.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of insurance is modified in SECTION 1 (Section 2154.052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2154.052(b), Occupations Code, to include rules regulating the distance that fireworks may be stored from residential dwellings among the rules the commissioner of insurance (commissioner) is required to adopt and the state fire marshal is required to administer.

SECTION 2. Amends Section 2154.054, Occupations Code, as follows:

2154.054. ADVISORY COUNCIL. (a) Authorizes, rather than requires, the commissioner to establish an advisory council to assist the commissioner in administering this chapter and in proposing rules.

(b) Sets forth modified guidelines for the composition of the advisory council.

(c) Authorizes the Texas Pyrotechnic Association, on request by the commissioner, to recommend individuals for appointment to the two fireworks industry representative positions.

(d) Provides that a council member serves at the will of the commissioner and is prohibited from being reimbursed for service.

(e) Requires the council to periodically review rules relating to this chapter and recommend changes in the rules to promote public safety and property protection, including changes that could lower insurance costs, to the commissioner.

(f) Makes conforming changes.

SECTION 3. Amends Section 2154.055(c), Occupations Code, to authorize the commissioner to administer the educational and safety program, or to authorize the advisory council to administer the program, established under Section 2154.054. Prohibits the program from promoting the use of fireworks and requires the program to be focused entirely on safety.

SECTION 4. Amends Section 2154.251(a), Occupations Code, as follows:

(a) Prohibits a person from exploding or igniting fireworks within 600 feet of certain establishments and within 300 feet of certain other establishments. Prohibits a person from selling at retail, exploding, or igniting fireworks within 300, rather than 100, feet of a place where flammable liquids or flammable compressed gasses are stored and dispensed and from exploding or igniting fireworks within 300, rather than 100, feet of a place where fireworks are stored or sold.

SECTION 5. Repealer: Section 2154.052(e) (prohibiting the adoption of certain restrictive rules), Occupations Code.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2005.