

FEB 7 1956  
STATE GOVERNMENT

HOUSE FILE 2254  
BY J.R. VAN FOSSEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the licensure of operators authorized to use  
2 and explode fireworks and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2254

1 Section 1. Section 461A.42, subsection 2, Code 2005, is  
2 amended to read as follows:

3 2. The use of fireworks, as defined in section 727.2, in  
4 state parks and preserves is prohibited except as authorized  
5 by a permit issued by the department. The commission shall  
6 establish, by rule adopted pursuant to chapter 17A, a  
7 fireworks permit system which authorizes the issuance of a  
8 limited number of permits to qualified persons with a  
9 fireworks operator license issued pursuant to section 727.2A  
10 to use or display fireworks in selected state parks and  
11 preserves. A person violating this subsection is guilty of a  
12 simple misdemeanor. In addition to any other penalties, the  
13 punishment imposed for a violation of this subsection shall  
14 include assessment of a fine of not less than two hundred  
15 fifty dollars. The court shall order restitution if any  
16 damages were caused by the violation which may include, but is  
17 not limited to, community service.

18 Sec. 2. Section 727.2, unnumbered paragraph 2, Code 2005,  
19 is amended to read as follows:

20 A person, firm, copartnership, or corporation who offers  
21 for sale, exposes for sale, sells at retail, or uses or  
22 explodes any fireworks, commits a simple misdemeanor. In  
23 addition to any other penalties, the punishment imposed for a  
24 violation of this section shall include assessment of a fine  
25 of not less than two hundred fifty dollars. However, the  
26 council of a city or a county board of supervisors may, upon  
27 application in writing, grant a permit for the display of  
28 fireworks by municipalities, fair associations, amusement  
29 parks, and other organizations or groups of individuals  
30 approved by the city or the county board of supervisors when  
31 the fireworks display will be handled by a competent operator,  
32 but no such with a fireworks operator license issued pursuant  
33 to section 727.2A. A permit shall not be required for the  
34 display of fireworks at the Iowa state fairgrounds by the Iowa  
35 state fair board, at incorporated county fairs, or at district

1 fairs receiving state aid except that the display of fireworks  
2 shall be handled by an operator with a fireworks operator  
3 license issued pursuant to section 727.2A. Sales of fireworks  
4 for such display may be made for that purpose only.

5 Sec. 3. NEW SECTION. 727.2A FIREWORKS OPERATOR LICENSE  
6 -- HOW ISSUED.

7 1. The state fire marshal shall issue fireworks operator  
8 licenses to persons who, in the state fire marshal's  
9 discretion, are of good character and sound judgment and have  
10 sufficient knowledge and training of the use and handling of  
11 fireworks to protect the public safety. The license shall  
12 authorize the holder to use or explode any fireworks subject  
13 to the requirements of section 727.2. Licenses shall be  
14 issued for a period of one year, but may be issued for shorter  
15 periods, and may be revoked or suspended by the state fire  
16 marshal for any of the following reasons:

- 17 a. Falsification of information submitted in the  
18 application for a license.
- 19 b. Proof that the licensee has violated any provision of  
20 this section or section 727.2 or any rule prescribed by the  
21 state fire marshal pursuant to this section.

22 2. Licenses shall be issued by the state fire marshal upon  
23 payment of a fee of sixty dollars, valid for a period of one  
24 calendar year commencing on January 1 and terminating on  
25 December 31. However, an initial license may be issued during  
26 any calendar year for the number of months remaining in such  
27 calendar year, computed to the first day of the month when the  
28 application for the license is approved. The license fee  
29 shall be charged on a pro rata basis for the number of months  
30 remaining in the year of issue. Applications for renewal of  
31 licenses shall be submitted within thirty days prior to the  
32 license expiration date and shall be accompanied by payment of  
33 the prescribed annual fee.

34 3. Judicial review of the action of the state fire marshal  
35 may be sought in accordance with the terms of the Iowa

1 administrative procedure Act, chapter 17A.

2 4. The fees collected by the state fire marshal in issuing  
3 licenses under this section shall be deposited in the state  
4 general fund.

5 EXPLANATION

6 This bill establishes a fireworks operator license to be  
7 issued by the state fire marshal which authorizes the holder  
8 to use or detonate fireworks as authorized by law. The bill  
9 provides that the state fire marshal shall issue an operator  
10 license only to persons who are of good character and sound  
11 judgment who have sufficient knowledge and training of the use  
12 and handling of fireworks to protect the public safety. The  
13 bill provides for an annual fee of \$60 for the license which  
14 shall be deposited in the general fund of the state. The bill  
15 also provides for the revocation or suspension of a license  
16 under certain circumstances.

17 The bill provides that entities otherwise authorized to  
18 allow the display of fireworks shall only permit the display  
19 to be conducted by a person with a fireworks operator license.

20 Code section 461A.42, which permits the use of fireworks in  
21 state parks and preserves under certain circumstances, is  
22 amended to provide that any person authorized to use and  
23 explode fireworks shall have a fireworks operator license.

24 Code section 727.2, which authorizes fireworks displays for  
25 fairs or if allowed by the applicable city or county, is also  
26 amended to provide that any person authorized to use and  
27 explode fireworks shall have a fireworks operator license. A  
28 violation of this section concerning fireworks is a simple  
29 misdemeanor and subjects the violator to a fine of not less  
30 than \$250.

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