100.19 Consumer fireworks seller licensing — penalty — fund.

1. As used in this section:

a. *"APA 87-1"* means the American pyrotechnics association standard 87-1, as published in December 2001.

b. *"Community group"* means a nonprofit entity that is open for membership to the general public which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in section 512B.3.

c. *"First-class consumer fireworks"* means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Aerial shell kits and reloadable tubes.
(2) Chasers.
(3) Helicopter and aerial spinners.
(4) Firecrackers.
(5) Mine and shell devices.
(6) Missile-type rockets.
(7) Roman candles.
(8) Sky rockets and bottle rockets.
(9) Multiple tube devices under this paragraph *"c"* that are manufactured in accordance with APA 87-1, section 3.5.

d. *"Retailer"* means as defined in section 423.1.

e. *"Second-class consumer fireworks"* means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Cone fountains.
(2) Cylindrical fountains.
(3) Flitter sparklers.
(4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
(5) Ground spinners.
(6) Illuminating torches.
(7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
(8) Wheels.
(9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

2. *a.* The state fire marshal shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the state fire marshal. The state fire marshal shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

b. A person shall possess a consumer fireworks seller license under this section in order to sell consumer fireworks.

3. *a.* The state fire marshal shall establish a fee schedule for consumer fireworks seller licenses as follows:

(1) For a retailer at a permanent building who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of one thousand dollars.

(2) For a retailer at a temporary structure who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of five hundred dollars.

(3) For a retailer who devotes less than fifty percent of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of four hundred dollars.

(4) For a community group that offers for sale, exposes for sale, or sells first-class consumer fireworks, an annual fee of four hundred dollars.

(5) For a retailer or community group that offers for sale, exposes for sale, or sells second-class consumer fireworks, but not first-class consumer fireworks, an annual fee of one hundred dollars.

ATTACHMENT C