

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 105

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO FIREWORKS; AMENDING SECTION 39-2609, IDAHO CODE, TO PROVIDE  
2 PENALTIES FOR A FIREWORKS VIOLATION; AND AMENDING SECTION 39-2613,  
3 IDAHO CODE, TO PROVIDE A CODE REFERENCE.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 39-2609, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 39-2609. GENERAL PROHIBITIONS. It shall be unlawful for any person,  
9 except in compliance with this chapter, to:

- 10 (1) Alter any fireworks;  
11 (2) Throw any fireworks from, into, or at a moving vehicle or at any per-  
12 son;  
13 (3) Sell or use any fireworks at any time not permitted under this chap-  
14 ter;  
15 (4) Use fireworks in any area that constitutes a severe fire threat  
16 based on the vegetative conditions during the current fire season as deter-  
17 mined by the county commission or authority having jurisdiction, provided  
18 that notice of such areas is given in advance.

19 A violation of subsection (1) or (3) of this section shall constitute an  
20 infraction and shall be punishable by a fine of one hundred dollars (\$100).  
21 A violation of subsection (2) or (4) of this section shall constitute an  
22 infraction and shall be punishable by a fine of two hundred fifty dollars  
23 (\$250). A second violation of subsection (2) or (4) of this section within  
24 two (2) years of the commission of the prior offense for which the person was  
25 convicted shall constitute a misdemeanor and shall be punishable by a fine  
26 not exceeding one thousand dollars (\$1,000).

27 SECTION 2. That Section 39-2613, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 39-2613. PENALTIES -- INJUNCTIONS. Except as provided in section  
30 39-2609, Idaho Code, aAny person violating the provisions of this chapter or  
31 any rules issued hereunder is guilty of a misdemeanor. Notwithstanding the  
32 existence or use of any other penalty or remedy, any person who violates the  
33 provisions of this chapter or any of the rules promulgated pursuant to this  
34 chapter may, upon application to or with written consent of the authority  
35 having jurisdiction, be enjoined in the manner provided by law from continu-  
36 ing the violation. Fireworks being used in violation of this chapter may be  
37 confiscated by the authority having jurisdiction.