

MICHIGAN FIREWORKS SAFETY ACT (EXCERPT)
Act 256 of 2011

28.454 Sale of consumer fireworks; certificate required; violation as civil fine; penalty; application; requirements; issuance; validity; issuance of original or renewal certificate; sales tax license information; denial; transfer; display; prohibition; location or address; disposition of fees.

Sec. 4.

(1) A person shall not sell consumer fireworks unless the person annually obtains and maintains a consumer fireworks certificate from the department under this section.

(2) A person that fails or neglects to comply with subsection (1) is responsible for a civil fine as follows:

(a) For a first violation, not more than \$5,000.00. The department shall determine the amount of the fine imposed under this subdivision by applying a scale, as developed by the department, that reflects the severity of the violation.

(b) For a second violation, not more than \$20,000.00.

(c) For a third or subsequent violation, not more than \$40,000.00.

(3) An applicant for a consumer fireworks certificate shall do all of the following:

(a) Submit an application no later than April 1 of each year in which the applicant will sell consumer fireworks.

(b) Include on the application the name and address of each retail location from which the applicant will sell consumer fireworks.

(c) Submit with the application all of the following, as applicable:

(i) A nonrefundable consumer fireworks certificate fee of \$1,250.00 for each retail location that is a permanent building or structure or \$1,000.00 for each retail location that is not a permanent building or structure. If the application includes 10 or more retail locations that are not permanent buildings or structures, the fee described in this subdivision shall be \$700.00 for each of those locations.

(ii) For an applicant who applies for a consumer fireworks certificate for a retail location that is not a permanent building or structure and who does not hold a consumer fireworks certificate for a permanent building or structure, a bond in the amount of \$5,000.00 to secure the collection of estimated sales tax and fireworks safety fees.

(iii) A copy of the applicant's current sales tax license, including the applicant's account number, issued by the department of treasury for each retail location where the applicant will sell consumer fireworks.

(iv) Any other document required by the department.

(4) The department shall not issue an initial consumer fireworks certificate to an applicant until the department of treasury has confirmed to the department that each sales tax license submitted by the applicant is current and valid, and that the applicant is otherwise eligible to obtain a consumer fireworks certificate under this act.

(5) A consumer fireworks certificate issued under this section is valid from the date of issue until April 30 of the year following the year in which it is issued. A person may renew a consumer fireworks certificate for a retail location by making application on a form prescribed by the department certifying that all information on file with the department is true and correct, that the person's sales tax license for the retail location is current and valid, and that the person has properly remitted all required fireworks safety fees for the preceding year. The department may deny the renewal of a consumer fireworks certificate if the department determines that the applicant did not properly remit all of the required fireworks safety fees for all preceding years, or sales tax for any of the preceding 5 years, during which the applicant held a consumer fireworks certificate. The department shall provide to the department of treasury the sales tax license information received from the applicant and any additional information as may be necessary to allow the department of treasury to confirm that each sales tax license submitted by the applicant is current and valid. The department shall enter into an agreement with the department of treasury under section 28(1) of 1941 PA 122, MCL 205.28, that will allow the department of treasury to provide that information to the department.

(6) Not more than 30 days after an application and all required supporting documentation and fees are submitted to the department under this section, the department shall issue a consumer fireworks certificate to the applicant or deny the application. If the department denies the application, the department shall indicate to the applicant the reason for denial.

(7) If the department denies an application for a consumer fireworks certificate under this section, the applicant may cure any defect in the application within 45 days after the denial without paying an additional fee. The department shall not unreasonably delay or deny an application.

(8) A consumer fireworks certificate is transferable upon approval by the department and the payment of a \$250.00 transfer fee. The department shall approve the transfer of a consumer fireworks certificate unless the transferee does not satisfy the eligibility requirements for an original consumer fireworks certificate under this act. The department shall not process a request for a transfer of location between June 1 and July 31.

(9) The holder of a consumer fireworks certificate shall prominently display the original certificate or a copy of

the certificate in the each retail location to which the certificate applies. A person that violates this subsection is responsible for a civil fine of \$200.00.

(10) The department shall not issue a consumer fireworks certificate to either of the following:

(a) A person that is ineligible under this act.

(b) A person that has an outstanding fine issued under this act not currently under appeal.

(11) The face of the consumer fireworks certificate must indicate the location or address for which it was issued.

(12) Fees collected under this section shall be deposited in the fireworks safety fund.

History: 2011, Act 256, Eff. Jan. 1, 2012 ;-- Am. 2012, Act 257, Imd. Eff. July 2, 2012 ;-- Am. 2013, Act 65, Imd. Eff. June 19, 2013 ;-- Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018

Compiler's Notes: In subsection (9), the words "certificate in the each retail location" evidently should read "certificate in each retail location."