

**LEGISLATIVE HISTORY CHECKLIST**  
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NJSA: 21:2-11 et al

(Fireworks--sale  
& transportation)

**LAWS OF:** 1991

**CHAPTER:** 55

**Bill No:** S1441

**Sponsor(s):** Bassano

**Date Introduced:** Pre-filed

**Committee:** Assembly: Judiciary

Senate: Law

**Amended during passage:** No

**Date of Passage:** Assembly: January 31, 1991

Senate: April 30, 1990

**Date of Approval:** March 13, 1991

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement:** Assembly: Yes

Senate: Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

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P.L.1991, CHAPTER 55, approved March 13, 1991  
1990 Senate No. 1441

1 AN ACT concerning the sale and transportation of fireworks,  
2 amending R.S.21:2-11, R.S.21:2-15, R.S.21:3-2, R.S.21:3-3,  
3 R.S.21:3-4, R.S.21:3-6, R.S.21:3-8, P.L.1954, c.52,  
4 supplementing chapter 2 of Title 21 of the Revised Statutes,  
5 and repealing R.S.21:2-31 to 21:2-34 inclusive.  
6

7 BE IT ENACTED by the Senate and General Assembly of the  
8 State of New Jersey:

9 1. (New section) a. A person shall not knowingly deliver  
10 fireworks to a person within this State unless the person to whom  
11 delivery is to be made is named on a valid permit obtained  
12 pursuant to R.S.21:3-1 et seq. as the person authorized to receive  
13 fireworks or unless the person is the owner, manager, or  
14 designated employee acting as the agent of the owner or  
15 manager, of a legally operated commercial enterprise registered  
16 pursuant to section 10 of P.L. , c. (C. ) (now pending  
17 before the Legislature as this bill). At the time of delivery, the  
18 person receiving the fireworks shall make the permit or  
19 registration available to the person making delivery for review  
20 and the number of the permit or registration held by the receiver  
21 shall be recorded on each bill of lading, manifest or invoice issued  
22 to cover the sale and shipment of the fireworks. A record of the  
23 bill of lading, manifest, or invoice shall be retained by the person  
24 making delivery for a period of three years and shall be available  
25 for inspection by municipal enforcement authorities, the  
26 Department of Labor, or other law enforcement authorities.

27 ~~A package to be delivered to a person who does not have a~~  
28 ~~valid permit or registration shall be turned over to the local~~  
29 ~~municipal law enforcement authority who in turn shall notify the~~  
30 ~~Office of Safety Compliance in the Department of Labor.~~

31 b. A package containing fireworks prepared by a  
32 manufacturer, supplier or seller for shipment or transportation  
33 into or within this State to a purchaser or receiver shall be  
34 labeled in accordance with the requirements of State and federal  
35 law, and the rules and regulations promulgated pursuant to those  
36 laws, concerning the transportation of hazardous materials.

37 Notwithstanding the penalty set forth in R.S.21:2-35, a  
38 violation of this section is a disorderly persons offense.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. R.S.21:2-15 is amended to read as follows:

2 21:2-15. [Each] The outside of each package of fireworks  
3 prepared by a manufacturer shall bear upon the outside thereof  
4 the words "Fireworks--Handle Carefully--Keep Fire Away" in  
5 letters not less than 7/16 inch in height, and in addition shall  
6 show the name of the fireworks manufacturer.

7 (cf: R.S.21:2-15)

8 3. Section 2 of P.L.1954, c.52 (C.21:2-29.1) is amended to read  
9 as follows:

10 2. It shall be unlawful to store or sell fireworks, designed or  
11 intended to be used for agricultural purposes as pest-control  
12 bombs in connection with the raising of crops, without first  
13 obtaining from the Commissioner of Labor [and Industry] a permit  
14 to store or sell such fireworks.

15 The Commissioner of Labor [and Industry] is authorized to issue  
16 such permits subject to rules and regulations to be prescribed by  
17 him and upon the payment of the required fees.

18 The [said] rules and regulations shall be such as will reasonably  
19 protect the safety of the public by limiting the quantities to be  
20 stored in any one place and by providing safeguards against the  
21 danger of explosion and damage thereby to persons and property.

22 In prescribing [said] the rules and regulations, the commissioner  
23 shall consult and co-operate with the State Department of  
24 Agriculture.

25 The fee for issuing any such permit shall be fixed by the  
26 commissioner according to a scale of quantities and locations  
27 prescribed by him, but in no case shall such fee exceed \$100.00.

28 (cf: P.L.1955, c.115, s.1)

29 4. R.S.21:3-2 is amended to read as follows:

30 21:3-2. It shall be unlawful for any person to offer for sale,  
31 ~~expose for sale, sell, possess or use, or explode any blank~~  
32 ~~cartridge, toy pistol, toy cannon, toy cane or toy gun in which~~  
33 ~~explosives are used; the type of balloon which requires fire~~  
34 ~~underneath to propel the same; firecrackers; torpedoes;~~  
35 ~~skyrockets, Roman candles, bombs, sparklers or other fireworks~~  
36 ~~of like construction, or any fireworks containing any explosive or~~  
37 ~~inflammable compound or any tablets or other device commonly~~  
38 ~~used and sold as fireworks containing nitrates, chlorates,~~  
39 ~~oxalates, sulphides of lead, barium, antimony, arsenic, mercury,~~  
40 ~~nitroglycerine, phosphorus or any compound containing any of the~~  
41 ~~same or other explosives, or any substance or combination of~~  
42 ~~substances, or article prepared for the purpose of producing a~~  
43 ~~visible or an audible effect by combustion, explosion, deflagration~~  
44 ~~or detonation, other than aviation and railroad signal light flares,~~  
45 ~~except (a) that it shall be lawful for any person to offer for sale,~~  
46 ~~expose for sale, sell, possess or use, or explode any toy pistol, toy~~  
47 ~~cane, toy gun, or other device in which paper or plastic caps~~  
48 ~~containing .25 grain or less of explosive compound per cap are~~

1 used, providing they are so constructed that the hand cannot  
2 come in contact with the cap when in place for use, and toy pistol  
3 paper or plastic caps which contain less than .20 grain of  
4 explosive mixture per cap and (b) as in this chapter further  
5 provided.

6 Except as otherwise may be provided in this chapter, it shall be  
7 lawful to sell fireworks to a person only if that person is named  
8 as the authorized purchaser in a valid permit issued pursuant to  
9 R.S.21:3-3 or that person is the owner, manager, or designated  
10 employee acting as the agent of the owner or manager, of a  
11 legally operated commercial enterprise registered pursuant to  
12 section 10 of P.L. , c. (C. ) (now pending before the  
13 Legislature as this bill), and the permit is presented to the  
14 manufacturer, seller or distributor at the time of purchase. If  
15 the manufacturer, seller or distributor is located in a state other  
16 than this State, a purchase shall be by mail order form and a  
17 photocopy of the valid permit or registration shall be submitted  
18 with the form to satisfy the requirement in this paragraph.

19 (cf: P.L.1970, c.220, s.1)

20 5. R.S.21:3-3 is amended to read as follows:

21 21:3-3. The governing body of any municipality, other than a  
22 county, notwithstanding any of the provisions of this chapter to  
23 the contrary, may, upon application in writing, upon the posting  
24 of a suitable bond, grant a permit for the purchase, possession  
25 and public display of fireworks by municipalities, religious,  
26 fraternal or civic organizations, fair associations, amusement  
27 parks, or other organizations or groups of individuals, approved by  
28 the governing body of such municipality to whom the application  
29 is made, and the].

30 The governing body is authorized by resolution, to grant such  
31 permission when such display is to be handled by a competent  
32 operator, to be approved by the chiefs of the police and fire  
33 departments of the municipality. Such display shall be of such a  
34 character, and so located, discharged, or fired, as in the opinion  
35 of the chiefs of the police and fire departments, after proper  
36 inspection, shall not be hazardous to property or endanger any  
37 person or persons.

38 A permit issued pursuant to this section shall contain an  
39 identification number and the specific types or kinds of fireworks  
40 to be used. The permit shall name one person who shall be  
41 authorized to purchase, or otherwise order, and receive delivery  
42 of any fireworks. After such permit shall have been granted,  
43 sales, possession, and use [and distribution] of fireworks for such  
44 display shall be lawful for that purpose only.

45 (cf: R.S.21:3-3)

46 6. R.S.21:3-4 is amended to read as follows:

47 21:3-4. All such applications for permits shall set forth the  
48 name of the person authorized to purchase, or otherwise order,

1 and receive delivery of any fireworks, the specific types or kinds  
2 of fireworks to be obtained and used, the date, the hour, place of  
3 making such display, and place of storing fireworks prior to the  
4 display and, further, the name or names of the person, persons,  
5 firm, partnership, corporation, association or group of individuals  
6 making the display; the name of the person, or persons, in charge  
7 of the igniting, firing, setting-off, exploding or causing to be  
8 exploded such fireworks. The location of the storage place shall  
9 be subject to the approval of the chief of the fire department of  
10 the municipality. No permit granted hereunder shall be  
11 transferable.

12 (cf: R.S.21:3-4)

13 7. R.S.21:3-6 is amended to read as follows:

14 21:3-6. A duplicate copy of the application and of the permit  
15 ~~granted shall be forwarded to the [bureau of explosives of the~~  
16 ~~department of labor] Office of Safety Compliance in the~~  
17 ~~Department of Labor by the governing body granting such permit~~  
18 ~~and such copies shall be kept on file in the department, subject to~~  
19 ~~public inspection.~~

20 (cf: R.S.21:3-6)

21 8. R.S.21:3-8 is amended to read as follows:

22 21:3-8. Penalties for violations

23 Any person who sells, offers or exposes for sale, or possesses  
24 with intent to sell any fireworks as herein mentioned is guilty of  
25 a [disorderly persons offense] crime of the fourth degree. Any  
26 person who purchases, uses, discharges, causes to be discharged,  
27 ignites, fires, or otherwise sets in action, or possesses any  
28 fireworks is guilty of a petty disorderly persons offense.

29 (cf: P.L.1983, c.561, s.2)

30 9. R.S.21:2-11 is amended to read as follows:

31 21:2-11. Fireworks plants and all buildings situated within  
32 fireworks plant inclosures, shall be equipped with suitable fire  
33 protection, commensurate with the hazard involved, to protect  
34 life and property from direct burning and exposure. Such fire  
35 protection shall be installed as directed by the commissioner of  
36 labor or by the agency in the municipality wherein a plant is  
37 located which is authorized to enforce the "Uniform Fire Safety  
38 Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

39 (cf: R.S.21:2-11)

40 10. (New section) A person who is the owner or manager of a  
41 legally operated commercial enterprise involving the  
42 manufacture, distribution, storage, or sale of fireworks shall, in  
43 addition to the certificate of registration issued pursuant to  
44 R.S.21:2-22 or a permit issued pursuant to section 2 of P.L.1954,  
45 c.52 (C.21:2-29.1), annually register with the municipality in  
46 which the main office of the enterprise is located and with any  
47 municipality in which the enterprise stores fireworks, if fireworks  
48 are stored in a municipality other than the municipality in which

1 the main office is located. The registration shall be filed with  
2 the agency authorized to enforce the "Uniform Fire Safety Act,"  
3 P.L.1983, c.383 (C.52:27D-192 et seq.) by submitting a letter of  
4 registration or by completing a form supplied by the agency.

5 An identification number for the registration shall be issued  
6 and a certified copy of the registration shall be returned to the  
7 owner or manager. The registration shall be available upon  
8 request for inspection by any person during normal business  
9 hours. A copy of each registration shall be forwarded to the  
10 Office of Safety Compliance in the Department of Labor.

11 The agency with which a registration is filed may deny the  
12 registration if it finds that the enterprise is not a legally  
13 operated commercial enterprise. Denial shall be in writing with  
14 the reasons for denial clearly stated. A copy of the letter of the  
15 denial shall immediately be forwarded to the Office of Safety  
16 Compliance in the Department of Labor.

17 11. R.S.21:2-31 to 21:2-34, inclusive, are repealed.

18 12. This act shall take effect immediately.

19  
20  
21 PUBLIC SAFETY

22  
23 Amends statutes regulating sale and transportation of fireworks.

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2 is located. The registration shall be filed with the agency  
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17 Compliance in the Department of Labor.

18 11. R.S.21:2-31 to 21:2-34, inclusive, are repealed.

19 12. This act shall take effect immediately.

20  
21  
22 STATEMENT

23  
24 This bill makes various changes to chapters 2 and 3 of Title 21  
25 of the Revised Statutes, the chapters which regulate the  
26 manufacture, storage, transportation, sale and possession of  
27 fireworks.

28 This bill requires that a person who delivers fireworks, such as  
29 an employee of a common carrier, must deliver only if the person  
30 to whom delivery is made shows a permit issued by a municipality  
31 pursuant to R.S.21:3-1 et seq., or the person is the owner,  
32 manager, or designated employee of the owner or manager of a  
33 legally operated commercial enterprise which manufactures,  
34 distribute, or sells fireworks and is properly registered pursuant  
35 to the requirements in section 10 of the bill. The number of the  
36 permit or registration is to be noted on the bill of lading,  
37 manifest or invoice covering the shipment.

38 The bill requires the owner or manager of a legally operated  
39 commercial enterprise involving the manufacture, distribution,  
40 storage, or sale of fireworks to annually register with the local  
41 agency in the municipality authorized to enforce the Uniform  
42 Fire Safety Act, P.L.1983, c.383 (C. 52:27D-192 et seq.) by  
43 submitting a letter of registration or by completing a form  
44 supplied by the agency. The agency with whom a registration is  
45 filed may deny the registration if it finds that the enterprise is  
46 not a legally operated commercial enterprise.

47 The bill also: upgrades the sale of fireworks, or possession of  
48 fireworks with intent to sell, to a crime of the fourth degree

1 (currently it is a disorderly persons offense); specifies the  
2 information required to be provided in an application for a  
3 fireworks permit and on the permit itself; and clarifies that the  
4 labeling of fireworks for transportation must meet the  
5 requirements in State and federal regulations for the  
6 transportation of hazardous materials.

7 The purpose of this bill is to make it a crime of the fourth  
8 degree to sell fireworks, thereby, providing law enforcement  
9 authorities with the authority to enforce the provisions of the  
10 fireworks statutes against out-of-State companies and to place  
11 the responsibility for the delivery of fireworks on properly  
12 permitted receivers on common carriers who ship and deliver  
13 fireworks into and within this State.

14 The bill repeals R.S.21:2-31 to 21:2-34, inclusive. These  
15 sections, which regulate the transportation of fireworks, have  
16 been superseded by State and federal law, and rules and  
17 regulations promulgated pursuant to those laws, setting forth the  
18 requirements for the transportation of hazardous materials.

19

20

21 PUBLIC SAFETY

22

23

Amends statutes regulating sale and transportation of fireworks.



ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE, No. 1441

STATE OF NEW JERSEY

DATED: JANUARY 14, 1991

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 1441.

This bill makes various changes to chapters 2 and 3 of Title 21 of the Revised Statutes, which regulate the manufacture, storage, transportation, sale and possession of fireworks.

This bill requires that a person who delivers fireworks must deliver only if the person to whom delivery is made shows a permit issued by a municipality pursuant to R.S.21:3-1 et seq., or the person is the owner, manager, or designated employee of the owner or manager of a legally operated commercial enterprise which manufactures, distribute, or sells fireworks and is properly registered. The number of the permit or registration is to be noted on the bill of lading, manifest or invoice covering the shipment.

The bill requires the owner or manager of a legally operated commercial enterprise involving the manufacture, distribution, storage, or sale of fireworks to annually register with the local agency in the municipality authorized to enforce the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).

The bill also: upgrades the sale of fireworks, or possession of fireworks with intent to sell, from a disorderly persons offense to a crime of the fourth degree; specifies the information required to be provided in an application for a fireworks permit and on the permit itself; and clarifies that the labeling of fireworks for transportation must meet the requirements set forth in State and federal regulations for the transportation of hazardous materials.

The purpose of this bill is to make it a crime of the fourth degree to sell fireworks, thereby, providing law enforcement authorities with the authority to enforce the provisions of the fireworks statutes against out-of-State companies and to place the responsibility for the delivery of fireworks to properly permitted receivers on common carriers who ship and deliver fireworks into and within this State.

The bill repeals R.S.21:2-31 to 21:2-34, inclusive. These sections, which regulate the transportation of fireworks, have been superseded by State and federal law, and rules and regulations promulgated pursuant to those laws, setting forth the requirements for the transportation of hazardous materials.

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

STATEMENT TO

SENATE, No. 1441

STATE OF NEW JERSEY

DATED: JANUARY 18, 1990

The Senate Law, Public Safety and Defense Committee reports favorably Senate Bill No. 1441.

This bill makes various changes to chapters 2 and 3 of Title 21 of the Revised Statutes, the chapters which regulate the manufacture, storage, transportation, sale and possession of fireworks.

This bill requires that a person who delivers fireworks, such as an employee of a common carrier, must deliver only if the person to whom delivery is made shows a permit issued by a municipality pursuant to R.S.21:3-1 et seq., or the person is the owner, manager, or designated employee of the owner or manager of a legally operated commercial enterprise which manufactures, distribute, or sells fireworks and is properly registered pursuant to the requirements in section 10 of the bill. The number of the permit or registration is to be noted on the bill of lading, manifest or invoice covering the shipment.

The bill requires the owner or manager of a legally operated commercial enterprise involving the manufacture, distribution, storage, or sale of fireworks to annually register with the local agency in the municipality authorized to enforce the Uniform Fire Safety Act, P.L.1983, c.383 (C.52:27D-192 et seq.) by submitting a letter of registration or by completing a form supplied by the agency. The agency with whom a registration is filed may deny the registration if it finds that the enterprise is not a legally operated commercial enterprise.

The bill also: upgrades the sale of fireworks, or possession of fireworks with intent to sell, to a crime of the fourth degree (currently it is a disorderly persons offense); specifies the information required to be provided in an application for a fireworks permit and on the permit itself; and clarifies that the labeling of fireworks for transportation must meet the requirements in State and federal regulations for the transportation of hazardous materials.

The purpose of this bill is to make it a crime of the fourth degree to sell fireworks, thereby, providing law enforcement authorities with the authority to enforce the provisions of the fireworks statutes against out-of-State companies and to place the responsibility for the delivery of fireworks to properly permitted receivers on common carriers who ship and deliver fireworks into and within this State.

The bill repeals R.S.21:2-31 to 21:2-34, inclusive. These sections, which regulate the transportation of fireworks, have been superseded by State and federal law, and rules and regulations promulgated pursuant to those laws, setting forth the requirements for the transportation of hazardous materials.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.