

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 449

By Senators Hamilton, Deeds, Woodrum, and Woelfel

[Introduced January 15, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-3E-15, relating to limiting fireworks being set off in municipalities and
 3 communities and to not be permitted within 500 feet of a residence; and creating an
 4 exception for volunteer organizations and festivals to hold public fireworks displays.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3E. FIREWORKS SAFETY.

§29-3E-15. Limitations on fireworks in communities and municipalities, exceptions.

1 (a) In addition to any other prohibitions which may exist by law, it shall be unlawful for any
 2 person to put on a display of consumer or display pyrotechnics:

- 3 (1) Across or in any public road in this state, at any time;
- 4 (2) Within 300 feet of any school or church, whether occupied or not; or
- 5 (3) Within 300 feet of any dwelling house, whether occupied or not; or
- 6 (4) In any state, county or municipal park in areas of which fireworks displays are
 7 prohibited.

8 (b) Any person violating this section is guilty of a misdemeanor and, upon conviction
 9 thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail for not more than
 10 one hundred days, or both fined and confined.

11 (c) Notwithstanding the provisions of subsection (a) of this section, any volunteer
 12 organization, including but not limited to Rotary Clubs, Volunteer Fire Departments, fairs and
 13 festivals, and the municipalities themselves.

NOTE: The purpose of this bill is to limit use of fireworks in municipalities and within 300 feet of a residence -- the same limitations as firearms.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.