AN ACT

ENTITLED, An Act to provide for the issuance of additional retail fireworks licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-37-2 be amended to read as follows:

34-37-2. No person may sell, hold for sale, or offer for sale, as wholesaler or retailer any fireworks in this state unless such person has first obtained a license as a wholesaler or retailer. Application for a license as wholesaler or retailer shall be made to the Department of Public Safety on forms to be prescribed by it. Each application shall be accompanied by the required fee, which shall be five hundred dollars for a wholesaler's license, and twenty-five dollars for a retailer's license. A separate twenty-five dollar retailer's license is required for each sales period, as specified in § 34-37-10, during which a retailer may sell fireworks. Each application for a twenty-five dollar retailer's license in any year must be received by the department no later than fifteen days before the beginning of the sales period. Any application for a twenty-five dollar retailer's license received after that date shall be denied by the department and returned to the applicant together with any application fee submitted. The twenty-five dollar retailer's license expires sixty days after the end of the sales period and is renewable annually until the application deadline for the corresponding sales period. The license shall at all times be displayed at the place of business of the holder of the license. The funds received under the provisions of this section shall be deposited in the general fund.

Section 2. That § 34-37-10 be amended to read as follows:

34-37-10. No person, firm, or corporation may offer fireworks for sale to individuals at retail except during the period beginning June twenty-seventh and extending through July fifth and during the period beginning December twenty-eighth and extending through January first. Any person obtaining the special sixty-six day or the special fifty-seven day retail licenses may sell fireworks to out-of-state residents for the periods of time designated in § 34-37-2.2. Retail sales to residents and

nonresidents during the December twenty-eighth through January first period may only be made by holders of a special fifty-seven day retail license established pursuant to § 34-37-2.2 and by holders of a retailer's license as provided in § 34-37-2. Retail sales are not permitted after twelve a.m. or prior to seven a.m. from the twenty-seventh day of June through the fifth day of July and from the twenty-eighth day of December through the first day of January.

An Act to provide for the issuance of additional retail fireworks licenses.

I certify that the attached Act originated in the

HOUSE as Bill No. 1191

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1191
File No. ____
Chapter No. _____

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State