

Amendment No. 638

Assembly Amendment to Senate Bill No. 4 First Reprint	(BDR 20-402)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

NAS/HAC



Date: 5/16/2021

S.B. No. 4—Revises provisions relating to the imposition of certain penalties by ordinance for certain violations relating to fireworks.
(BDR 20-402)



SENATE BILL NO. 4—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the imposition of certain penalties by ordinance for certain violations relating to fireworks. (BDR 20-402)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to fireworks; revising provisions governing the authority of a board of county commissioners to enact certain ordinances related to fireworks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a board of county commissioners is authorized to pass ordinances that: (1) regulate the sale, use, storage and possession of fireworks; and (2) provide penalties for a violation of such an ordinance. (NRS 244.367) This bill: (1) clarifies that the penalties that may be imposed for such a violation are criminal or civil penalties, or both; (2) limits the **minimum and** maximum ~~amount~~ **amounts** of a civil penalty that may be imposed pursuant to such an ordinance ; ~~to \$10,000 for a single violation;~~ and (3) prohibits civil penalties from being imposed pursuant to such an ordinance on a person who has received a license or permit pursuant to the ordinance. **Section 2** of this bill also requires the consideration of certain factors such as the number and severity of any previous offenses when determining the amount and category of civil and criminal penalties. **Section 2** further provides that the prohibitions of such an ordinance do not apply to a child under the age of 18 years unless the child has been emancipated.

Section 1 of this bill makes a conforming change related to clarifying that a board may provide both criminal and civil penalties related to the regulation, sale, use, storage and possession of fireworks.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.33509 is hereby amended to read as follows:
244.33509 1. ~~[A]~~ *Except as otherwise provided in NRS 244.367, a* board of county commissioners may by ordinance provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance enacted by the

1 board concerning the licensing or regulation of businesses unless state law provides
2 a criminal penalty for the same act or omission.

3 2. If a board of county commissioners adopts an ordinance providing for the
4 imposition of a civil penalty in lieu of a criminal penalty as described in subsection
5 1, the board shall:

6 (a) Determine violations and levy civil penalties for those violations; or

7 (b) Delegate to a hearing officer or hearing board the authority to determine
8 violations and levy civil penalties for those violations.

9 3. The amount of a civil penalty levied pursuant to subsection 2 must not
10 exceed \$1,000 for each violation.

11 4. As used in this section, an ordinance “concerning the licensing or
12 regulation of businesses” includes, without limitation, an ordinance that:

13 (a) Prescribes the criteria that must be satisfied before the business may be
14 licensed in the county or its license may be renewed in the county;

15 (b) Sets forth the licensing fee that must be paid before the business may be
16 licensed in the county or its license may be renewed in the county;

17 (c) Describes the practices, transactions or acts in which a business licensed in
18 the county may engage;

19 (d) Describes the practices, transactions or acts in which a business licensed in
20 the county is prohibited from engaging; or

21 (e) Prohibits the operation within the county of a business that is:

22 (1) Unlicensed; or

23 (2) Not licensed to engage in the particular activities in which it is
24 engaging.

25 **Sec. 2.** NRS 244.367 is hereby amended to read as follows:

26 244.367 1. ~~The~~ *Except as otherwise provided in subsection 3, the* board
27 of county commissioners shall have power and jurisdiction in their respective
28 counties to pass ordinances ~~prohibiting~~:

29 (a) *Prohibiting*, restricting, suppressing or otherwise regulating the sale, use,
30 storage and possession of fireworks; ~~and~~ ~~providing~~

31 (b) *Providing for the imposition of criminal or civil* penalties, *or both*, for the
32 violation thereof. *A civil penalty imposed pursuant to such an ordinance may*
33 *must not be:*

34 (1) ~~Exceed \$10,000 for a single violation; or~~ *In an amount less than*
35 *\$250 or more than \$1,000 for a violation involving less than 100 pounds in gross*
36 *weight of fireworks, including packaging;*

37 (2) ~~Be imposed~~ *In an amount less than \$1,000 or more than \$5,000 for*
38 *a violation involving not less than 100 pounds or more than 5,000 pounds in*
39 *gross weight of fireworks, including packaging;*

40 (3) *In an amount less than \$5,000 or more than \$10,000 for a violation*
41 *involving more than 5,000 pounds in gross weight of fireworks, including*
42 *packaging; or*

43 (4) *Imposed against a person who has been issued a license or permit*
44 *pursuant to the ordinance.*

45 2. An ordinance passed pursuant to subsection 1 must ~~provide~~:

46 (a) *Provide* that any license or permit that may be required for the sale of
47 fireworks must be issued by the licensing authority for:

48 ~~(a)~~ (1) The county, if the fireworks are sold within the unincorporated areas
49 of the county; or

50 ~~(b)~~ (2) A city located within the county, if the fireworks are sold within the
51 jurisdiction of that city; ~~and~~

52 (b) *Establish factors for determining the severity of any criminal penalty or*
53 *any civil penalty within the limits contained in paragraph (b) of subsection 1 that*

1 *take into account, without limitation, the number and severity of any previous*
2 *violations.*

3 *3. An ordinance passed pursuant to subsection 1 must not apply to a child*
4 *under the age of 18 years unless the child is emancipated.*

5 **Sec. 3.** This act becomes effective upon passage and approval.