

House File 614

S-3217

- 1 Amend House File 614, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 3, line 17, after <b.> by inserting <(1)>
4 2. Page 3, after line 21 by inserting:
5 <(2) Any person who is injured in person or
6 property or means of support by a person using or
7 exploding consumer fireworks has a right of action for
8 all damages actually sustained, severally or jointly,
9 against that retailer or community group that sold
10 the consumer fireworks that caused the injury if the
11 retailer or community group was not covered by public
12 liability insurance and product liability insurance as
13 required by this paragraph "b" at the time of selling
14 the consumer fireworks.>
- 15 3. Page 7, line 27, after <Fireworks> by inserting
16 <— sales and use — penalties>
- 17 4. Page 10, by striking line 17 and inserting:
18 <3. 5. Liability. A person who purchases a
19 consumer firework or novelty shall be jointly and
20 severally liable for damages, including emotional
21 distress, caused by the ignition, explosion, operation,
22 or use of the consumer firework or novelty and shall be
23 jointly and severally liable for court costs, expenses,
24 and reasonable attorney fees incurred by the party
25 bringing the action. This subsection shall not impose
26 any liability on a purchaser for damages that result
27 from the ignition, explosion, operation, or use of a
28 consumer firework or novelty if the consumer firework
29 or novelty was acquired by another person without the
30 knowledge or consent of the purchaser. A person liable
31 for damages to property under this subsection is liable
32 to pay three times the actual damages to the property
33 that resulted from the ignition, explosion, operation,
34 or use of the consumer firework or novelty.
- 35 6. Applicability.>

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