



# LAWS OF ALASKA

1990

Source

CSHB 58(Jud)

Chapter No.

120

## AN ACT

Relating to the enforcement and penalty provisions of certain laws on fire protection, fireworks, and warning placards for hazardous substances; authorizing the adoption and use of alternative designs for warning placards for hazardous substances; amending Alaska Rule of Appellate Procedure 603(a)(2); and providing for an effective date.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1, LINE 14

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1990  
Actual Effective Date: June 15, 1990

## AN ACT

Relating to the enforcement and penalty provisions of certain laws on fire protection, fireworks, and warning placards for hazardous substances; authorizing the adoption and use of alternative designs for warning placards for hazardous substances; amending Alaska Rule of Appellate Procedure 603(a)(2); and providing for an effective date.

\* Section 1. AS 18.70.090 is amended to read:

Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The Department of Public Safety and the chief of each [CITY] fire department recognized under regulations adopted by the Department of Public Safety, and their authorized representatives in their respective areas, may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under those sections [IT]. The authority conferred in AS 18.70.010 - 18.70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the provisions of AS 11.46.400 - 11.46.430.

\* Sec. 2. AS 18.70.100 is repealed and reenacted to read:

Sec. 18.70.100. VIOLATION. (a) A person who violates a provision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a

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1 regulation adopted under those sections, or who fails to comply with  
2 an order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70..  
3 310 is guilty of a class B misdemeanor. When not otherwise specified,  
4 each 10 days that the violation or noncompliance continues is a sepa-  
5 rate offense.

6 (b) A person aggrieved by a final order may appeal to the supe-  
7 rior court within 30 days after the issuance of the final order.  
8 Filing of the appeal does not excuse noncompliance with the order.  
9 The court may stay the operation of the order on those terms relating  
10 to bonding or other matters that the court finds proper. A stay may  
11 not be granted or continued if the court finds that it is against the  
12 public interest.

13 \* Sec. 3. AS 18.70.310(b) is amended to read:

14 (b) The Department of Public Safety, division of fire prevention,  
15 shall adopt the National Fire Protection Association 704M system of  
16 warning placards for hazardous chemicals, hazardous materials, and  
17 hazardous wastes. A municipality may, with the approval of the De-  
18 partment of Public Safety, division of fire prevention, adopt and use  
19 an alternative design for warning placards that gives adequate warning  
20 to the public and emergency response personnel, if the 704M system  
21 placards are inappropriate. The Department of Public Safety, division  
22 of fire prevention, may by regulation adopt one or more alternative  
23 designs for warning placards for use at an approved site outside a  
24 municipality by a business or government agency if the 704M system  
25 placards are inappropriate.

26 \* Sec. 4. AS 18.72.040 is amended to read:

27 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY  
28 AND WILFULLY] fails to comply with a provision of this chapter or  
29 fireworks regulations adopted in the fire safety code is guilty of a

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class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate offense. In this section, "recklessly" has the meaning given in AS 11.81.900.

\* Sec. 5. AS 18.70.100(b), as amended by sec. 2 of this Act, amends Alaska Rule of Appellate Procedure 603(a)(2) by prohibiting the granting or continuation of a stay if the court finds it is against the public interest and by giving the court discretion regarding the terms and conditions of a stay, including bonding.

\* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).