

**HOUSE BILL NO. 487**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE KOHRING**

**Introduced: 2/19/02**

**Referred: State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to fireworks; and providing for an effective date."**

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

3 **\* Section 1.** AS 18.72.020(a) is amended to read:

4 (a) A person holding a permit required by the fire safety code may sell or offer  
5 for sale salable fireworks [,] if

6 (1) the person has submitted to the state fire marshal a policy, or a  
7 certified true copy of a policy, of public liability and products liability insurance,  
8 including both accident and occurrence coverage, provided by the wholesale company  
9 selling fireworks to the person, in the amount of at least \$200,000 for bodily injury or  
10 death and at least \$50,000 property damage and the person is named as an insured  
11 party upon the policy and the policy is continuously in force while the person is  
12 engaged in the retail sale of fireworks; and

13 (2) an endorsement fee of \$500 [\$10] is paid to the state fire marshal  
14 for an endorsement that is valid for two years or portions of two years during which  
15 the permit holder is engaged in the retail sale of fireworks.

1 \* **Sec. 2.** AS 18.72 is amended by adding a new section to read:

2           **Sec. 18.72.035. Restrictions on certain fireworks.** (a) Notwithstanding the  
3 other provisions of this chapter, a person, whether or not licensed under this chapter,  
4 may not sell a bottle rocket in the state. In this subsection, "bottle rocket" means a  
5 small cylindrical tube that contains a substance of pyrotechnic composition, that has a  
6 wooden stick attached for guidance, and that, upon ignition, flies into the air.

7           (b) Notwithstanding the other provisions of this chapter, a person holding a  
8 permit under AS 18.72.020 may not sell a non-mortar-type or non-cannon-type aerial  
9 fireworks device in the state from April 1 through September 30 of each year.

10 \* **Sec. 3.** AS 18.72 is amended by adding a new section to read:

11           **Sec. 18.72.045. Civil penalty.** A person who recklessly violates a provision  
12 of this chapter is liable, after notice and an opportunity for a hearing, to the state for a  
13 civil penalty of \$1000 for each violation.

14 \* **Sec. 4.** AS 18.72 is amended by adding new sections to read:

15           **Sec. 18.72.070. Enforcement.** (a) If the state fire marshal has reason to  
16 believe that a person who has a permit issued under AS 18.72.020 or 18.72.030 is  
17 violating this chapter or another law relating to health and safety in the use of the  
18 permit, the state fire marshal may, after notice and an opportunity for a hearing,  
19 suspend or take other action against the person's permit until the violation has been  
20 corrected.

21           (b) Notwithstanding (a) of this section, if a person with a permit issued under  
22 AS 18.72.020 or 18.72.030 is violating this chapter or another law relating to health  
23 and safety and the state fire marshal determines that there is an immediate threat to  
24 health and safety, the state fire marshal may issue the person a cease and desist order  
25 and close the business immediately without a hearing, but the state fire marshal shall  
26 provide the person with a hearing the next business day to determine whether the  
27 closure was justified and whether there is reason for continuing the closure.

28           (c) The Department of Public Safety shall establish by regulation the  
29 procedures to be followed under this section.

30           **Sec. 18.72.080. Fireworks Advisory Committee.** (a) The Fireworks  
31 Advisory Committee is established in the Department of Public Safety. The

1 committee consists of members appointed by the state fire marshal to provide a  
 2 balanced representation from the rural and urban areas of the state of persons who are  
 3 fire service officials and manufacturers, distributors, retailers, and users of fireworks.  
 4 The state fire marshal shall establish the number of members to serve on the  
 5 committee, and the members serve at the pleasure of the state fire marshal.

6 (b) Each year the committee shall familiarize itself with current federal  
 7 regulations and national fire codes, thoroughly review existing state statutes and  
 8 regulations, and advise the state fire marshal on any statutes and regulations that need  
 9 to be enacted, adopted, amended, or repealed.

10 (c) The committee shall meet at least once each year. The state fire marshal  
 11 shall chair the committee.

12 (d) In this section, "committee" means the Fireworks Advisory Committee  
 13 established by (a) of this section.

14 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
 15 read:

16 REGULATIONS. The Department of Public Safety may adopt regulations to  
 17 implement AS 18.72.070, enacted by sec. 4 of this Act, but not before the effective date of  
 18 sec. 4 of this Act.

19 \* **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

20 \* **Sec. 7.** Sections 1 - 4 of this Act take effect December 1, 2002.