

*Original*

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IN THE HOUSE

BY MRS. BULLOCK, MRS. DIMOCK AND MISS PRIOR

HOUSE BILL NO. 109

*By Request*

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the supervision, control and prohibition of the sale, use, possession, public display and explosion of fireworks, and amending Chapter 13, Title 65, AGLA 1949, by adding thereto sections to be known as Sections 65-13-23, 65-13-24, 65-13-25, 65-13-26, 65-13-27, 65-13-28, 65-13-29."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Chapter 13, Title 65, AGLA 1949, is hereby amended by adding thereto Sections 65-13-23 to 65-13-29, inclusive, reading as follows:

Section 65-13-23. DANGEROUS FIREWORKS. Dangerous Fireworks as used in this act includes any of the following: Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, chlorate of potash and sulphur or chlorate of potash and sugar; Fireworks, salutes, and other explosive articles of similar nature; Blank cartridges; Sky rockets, including all devices which rise in the air during discharge; Roman candles, flares, sparklers, including all devices discharging balls of fire into the air; Chasers, including all devices which dart or travel about the surface of the ground during discharge; Snakes, boa constrictors, and snake nests, containing bichloride of mercury; All articles of Pyrotechnic

1 display which contain gun powder; Articles commonly known  
2 as son-of-a-gun, devil-on-the-rock, crackit sticks and  
3 automatic torpedoes which contain arsenic; Explosives known  
4 as devil-on-the-walk, or any other article of similar  
5 nature which explodes through means of friction, and all  
6 other similar fireworks, unless otherwise designated; Toy  
7 torpedoes of all kinds except those specifically designed  
8 for use only with toy pistol paper caps containing not more  
9 than twenty-five hundredths grain of explosive compound to  
10 each paper cap; Such other fireworks as may be designated  
11 as dangerous by the Attorney General.

12 Section 65-13-24. ACTIVITIES PROHIBITED OR REQUIRING  
13 PERMIT. No person shall do any of the following: (a) Manu-  
14 facture, possess, or sell any dangerous fireworks; (b) Dis-  
15 charge dangerous fireworks anyplace; (c) Make a public dis-  
16 play of dangerous fireworks, without securing a permit.

17 Section 65-13-25. APPLICATION FOR AND GRANTING OF PER-  
18 MIT: OPERATION OF ACT. Any adult person, firm, association,  
19 or corporation, desiring to do any act mentioned in sub-  
20 paragraph (c) of the preceding section shall first make  
21 written application for a permit to the United States Commis-  
22 sioner of the Recording District where said public display  
23 is to be made at least three days in advance of the date of  
24 the proposed display. It shall be the duty of the United  
25 States Commissioner to whom the application is made to make  
26 an investigation as to whether such a display as proposed  
27 shall be of such a character and so located that it may be  
28 hazardous to property or dangerous to any person, and the  
29 United States Commissioner may in the exercise of reasonable

1 discretion grant or deny the application, subject to such  
2 reasonable conditions, if any, as he or she shall prescribe.

3 This act does not prohibit any manufacturer, wholesaler,  
4 dealer or jobber from possessing, manufacturing or selling  
5 any kind of fireworks for direct shipment out of the Terri-  
6 tory or from manufacturing or selling any kind of dangerous  
7 fireworks to permittees hereunder, or the use of torpedoes,  
8 flares, or fuses by railroad, transportation agencies, or  
9 other persons for necessary signal purposes or illumination,  
10 or the sale, possession, or use of explosives for industrial,  
11 mining, agricultural or commercial usage; or the sale or  
12 use of blank cartridges for ceremonial purposes, athletic  
13 or sports events, or military ceremonials and demonstrations  
14 or maneuvers.

15 Section 65-13-26. INSURANCE AND BOND: SUPERVISION OF  
16 DISPLAYS. The applicant for such display permit shall at  
17 the time of application, furnish proof that he carries com-  
18 pensation insurance for his employees as provided by the laws  
19 of this Territory, and he shall file with the United States  
20 Commissioner to whom the application is made a bond in the  
21 amount of \$10,000.00 with at least two adequate and suffi-  
22 cient sureties to be approved by said commissioner con-  
23 ditioned on the applicants payment of all damages to persons  
24 or property which shall or may result from or be caused by  
25 such public display of fireworks, or any negligence on the  
26 part of the applicant, or his or its agents, servants,  
27 employees, or subcontractors in the presentation thereof,  
28 or a certificate evidencing the carrying of appropriate  
29 liability insurance issued by an insurance carrier author-

1 ized to transact business in the Territory of Alaska for  
2 the benefit of the person named therein as assured, as  
3 evidence of ability to respond in damages in at least such  
4 amount, said policies to be similarly approved. If the  
5 permit is granted, the sale, possession, use and display  
6 of fireworks for the public display is lawful for that  
7 purpose only; no permit granted is transferable. Every  
8 public display of fireworks shall be handled or supervised  
9 by some competent adult person approved by the United  
10 States Commissioner, and no person under the age of 21  
11 years shall be permitted to actively participate in the  
12 operation or be employed in such display.

13 Section 65-13-27. MUNICIPAL ORDINANCES. Nothing con-  
14 tained in this act, or the permits issued under it, shall  
15 authorize the manufacture, use possession, discharge, or  
16 public display of fireworks of any nature in any muni-  
17 cipality in which such manufacture, use, possession, dis-  
18 charge, or public display is otherwise prohibited or  
19 regulated by law or ordinance.

20 Section 65-13-28. FIRE SEASON. Nothing herein con-  
21 tained shall authorize the use, discharge or display of  
22 fireworks in prohibited areas during the fire season as  
23 established by law.

24 Section 65-13-29. PUNISHMENT. Any person who violates  
25 any of the provisions of this act shall be guilty of a  
26 misdemeanor, and upon conviction shall be punished by  
27 imprisonment for a term not to exceed six months or a  
28 fine not to exceed \$5,000.00 or by both such fine and  
29 imprisonment.