

1 IN THE HOUSE

Parsons
BY MRS. FISCHER

2 HOUSE BILL NO. ~~297~~

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ~~FIRST LEGISLATURE - SECOND SESSION~~

5 A BILL

6 For an Act entitled: "An Act to prohibit the sale, offering
7 or exposing for sale of fireworks;
8 defining fireworks and regulating the
9 manner of using fireworks; ~~and to provide~~
10 ~~penalties for the violation of the~~
11 ~~provisions of the Act; and providing an~~
12 effective date."

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

14 Section 1. The term "fireworks" ~~shall mean, and include~~ any
15 combustible or explosive composition, or any substance or com-
16 bination of substances, or article prepared for the purpose of
17 producing a visible or an audible effect by combustion, explosion,
18 deflagration or detonation, and shall include blank cartridges,
19 toy pistols, toy cannons, toy canes, or toy guns in which
20 explosives are used, the type of balloons which require fire
21 underneath to propel the same, firecrackers, torpedoes, sky-
22 rockets, roman candles, Daygo bombs, sparklers, or other fire-
23 works of like construction and any fireworks containing any
24 explosives or flammable compound, or any tablets or other device
25 containing any explosive substance, except that the term "fire-
26 works" shall not include toy pistols, toy canes, toy guns or
27 other devices in which paper caps manufactured in accordance
28 with the United States Interstate Commerce Commission regulations
29 for packing and shipping of toy paper caps are used and toy

1 pistol paper caps manufactured as provided therein, the sale and
2 use of which shall be permitted at all times.

3 Sec. 2. Except as ^{set out in this act} ~~hereinafter provided~~ it shall be unlawful
4 for any person, firm, co-partnership, or corporation to offer
5 for sale, expose for sale, sell at retail, or use or explode any
6 fireworks, ^{however,} ~~provided that~~ the State Fire Marshal shall have power
7 to adopt reasonable rules and regulations for the granting of
8 permits for supervised public displays of fireworks by munici-
9 palities, fair associations, amusement parks, and other organi-
10 zations or groups of individuals. ^{Those supervised public displays} ~~Every such display~~ shall be
11 handled by a competent operator to be approved by the Chiefs of
12 the Police and Fire Departments of the municipality in which the
13 display is to be held, ^{the display} and shall be of ^{an} such character, and ~~so~~
14 located, discharged or fired ^{in a manner which} ~~as~~ in the opinion of the Chief of
15 the Fire Department, after proper inspection, shall not be
16 hazardous to property or endanger any person or persons. Appli-
17 cation for permits shall be made in writing at least 15 days in
18 advance of the date of the display. After ^{the} such privilege ^{is} ~~shall~~
19 ~~have been~~ granted, sales, possession, use and distribution of
20 fireworks for ^{the} such display ^{is} ~~shall be~~ lawful for that purpose only.
21 No permit granted ^{under this act} ~~hereunder~~ shall be transferable.

22 Sec. 3. The governing body of the municipality shall require
23 a bond ^{considered} ~~deemed~~ adequate by the municipality from the licensee in
24 a sum not less than \$500.00 conditioned for the payment of all
25 damages which may be caused either to a person or persons or to
26 property by reason of the licensed display, and arising from any
27 acts of the licensee, his agents, employees or subcontractors.

28 Sec. 4. Nothing in this Act shall be construed to prohibit
29 any resident wholesaler, dealer or jobber ^{from} ~~to~~ sell ^{at} wholesale

1 ^{those} such fireworks ^{which} ~~as~~ are not ~~herein~~ prohibited, ^{by this act;} or the sale of any
2 kind of fireworks ^{if the fireworks} ~~provided the same~~ are to be shipped directly
3 out of the state; or the use of fireworks by railroads or other
4 transportation agencies for signal purposes or illumination; or
5 the sale or use of blank cartridges for a show or theater; or
6 for signal or ceremonial purposes in athletics or sports; or for
7 use by military organizations.

8 Sec. 5. Any person, firm, co-partnership or corporation
9 violating the provisions of this Act shall be guilty of a mis-
10 demeanor and upon conviction thereof shall be punished by a fine
11 not exceeding \$100.00 or by imprisonment in jail not exceeding
12 90 days or both ^{the} ~~such~~ fine and imprisonment.

13 ~~Sec. 6. Any provision of any Act in this state inconsistent~~
14 ~~with any provision of this Act is hereby repealed.~~

15 Sec. ~~6~~. This Act may be cited as the Model State Fireworks
16 Act.

17 Sec. ~~7~~. ~~Effective date.~~ This Act shall take effect
18 August 1, 1960.

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