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IN THE HOUSE

BY MR. PARSONS

HOUSE BILL NO. 138

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and regulating the manner of using fireworks; and providing for an effective date."

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

Section 1. The term "fireworks" includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosives or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein, the sale and use of which shall be permitted at all times.

1           Sec. 2. Except as set out in this Act, it shall be unlaw-  
2 ful for any person, firm, co-partnership, or corporation to  
3 offer for sale, expose for sale, sell at retail, or use or ex-  
4 plode any fireworks. However, the state fire marshal shall have  
5 power to adopt reasonable rules and regulations for the granting  
6 of permits for supervised public displays of fireworks by muni-  
7 cipalities, fair associations, amusement parks, and other organ-  
8 izations or groups of individuals. Those supervised public  
9 displays shall be handled by a competent operator to be approved  
10 by the chiefs of the police and fire departments of the munici-  
11 pality in which the display is to be held. The display shall be  
12 of a character, and located, discharged or fired in a manner  
13 which, in the opinion of the chief of the fire department, after  
14 proper inspection, shall not be hazardous to property or endanger  
15 any person or persons. Application for permits shall be made in  
16 writing at least 15 days in advance of the date of the display.  
17 After the privilege is granted, sales, possession, use and distri-  
18 bution of fireworks for the display are lawful for that purpose  
19 only. No permit granted under this Act shall be transferable.

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

27           Sec. 4. Nothing in this Act shall be construed to prohibit  
28 any resident wholesaler, dealer or jobber from selling at whole-  
29 sale those fireworks which are not prohibited in this Act; or

1 the sale of any kind of fireworks if the fireworks are to be  
2 shipped directly out of the state; or the use of fireworks by  
3 railroads or other transportation agencies for signal purposes  
4 or illumination; or the sale or use of blank cartridges for a  
5 show or theater; or for signal or ceremonial purposes in  
6 athletics or sports; or for use by military organizations.

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

12 Sec. 6. This Act may be cited as the Model State Fireworks  
13 Act.

14 Sec. 7. This Act shall take effect August 1, 1961.  
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