

1 IN THE HOUSE

BY MR. PARSONS

2 HOUSE BILL NO. 138

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to prohibit the sale, offering or  
7 exposing for sale of fireworks; defining  
8 fireworks and regulating the manner of using  
9 fireworks; providing penalties; and pro-  
10 viding for an effective date."

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

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

29 Sec. 2. Except as set out in this Act, it shall be unlawful

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

20       Sec. 3. The governing body of the municipality shall require  
21 a bond considered adequate by the municipality from the licensee  
22 in a sum not less than \$500.00 or be covered in the general liabil-  
23 ity insurance policy of the public event in like amount, condi-  
24 tioned for the payment of all damages which may be caused either  
25 to a person or persons or to property by reason of the licensed  
26 display, and arising from any acts of the licensee, his agents,  
27 employees or subcontractors.

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

1 those fireworks which are not prohibited in this Act; or the sale  
2 of any kind of fireworks if the fireworks are to be shipped  
3 directly out of the state; or the use of fireworks by railroads  
4 or other transportation agencies for signal purposes or illumina-  
5 tion; or the sale or use of blank cartridges for a show or theater;  
6 or for signal or ceremonial purposes in athletics, derby and  
7 regatta events, sports or parades; or for use by military organiza-  
8 tions.

9       Sec. 5. Any person, firm, co-partnership or corporation  
10 violating the provisions of this Act shall be guilty of a misde-  
11 meanor and upon conviction thereof shall be punished by a fine  
12 not exceeding \$100.00 or by imprisonment in jail not exceeding  
13 30 days, or both the fine and imprisonment.

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

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