

Introduced: 1/9/89
Referred: Community & Regional
Affairs and Judiciary

go00279h

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 58

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to fire protection; and providing
7 for an effective date."

8

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

9

* Section 1. AS 18.70.090 is amended to read:

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Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of
11 Public Safety and the chief of each [CITY] fire department recognized
12 under regulations adopted by the Department of Public Safety, and
13 their authorized representative in their respective areas, may enforce
14 the regulations adopted by the Department of Public Safety for the
15 prevention of fire or for the protection of life and property against
16 fire or panic. All state peace officers may assist the Department of
17 Public Safety in the enforcement of this chapter [AS 18.70.010 --
18 18.70.100] and the regulations adopted under it. The authority con-
19 ferred in this chapter [AS 18.70.010 -- 18.70.100] extends to the
20 enforcement of the provisions of AS 11.46.400 -- AS 11.46.430.

21

* Sec. 2. AS 18.70.100(a) is amended to read:

22

(a) A person is [WHO VIOLATES ANY PROVISION OF AS 18.70.010 --
23 18.70.100 OR THE PUBLISHED REGULATIONS OR ORDERS ADOPTED UNDER IT FROM
24 WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30 DAYS AFTER THE ISSUANCE OF A
25 FINAL ORDER IS, SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemean-
26 or, and is punishable by a fine of not more than \$500, or by imprison-
27 ment for not more than six months, or by both, if the person (1)
28 violates or otherwise fails to comply with a provision of this chapter
29 or a regulation adopted under it; (2) fails to comply with a de-

1 partment order issued under it, unless a motion for stay is filed with
2 the superior court within 10 days after issuance of the order; or (3)
3 fails to comply with a department order issued under it, within 10
4 days after a motion for stay has been denied by the superior court. A
5 person aggrieved by the final order of the Department of Public Safety
6 may appeal to the superior court within 30 days after the issuance of
7 the order. The imposition of one penalty for a violation does not
8 excuse the violation and a person guilty of a violation shall correct
9 the violation within a reasonable time. When not otherwise specified,
10 each 10 days that a prohibited condition is maintained is a separate
11 offense.

12 * Sec. 3. AS 18.70.310 is amended by adding a new subsection to read:

13 (f) A violation of this section or a regulation adopted under
14 this section is punishable under AS 18.70.100.

15 * Sec. 4. AS 18.72.040 is amended to read:

16 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY
17 AND WILLFULLY] fails to comply with a provision of this chapter or
18 fireworks regulations adopted in the fire safety code is guilty of a
19 misdemeanor and upon conviction is punishable by a fine of not more
20 than \$500, or by imprisonment for not more than six months, or by
21 both. Each day of noncompliance constitutes a separate offense. As
22 used in this section, "recklessly" has the meaning given in
23 AS 11.81.900.

24 * Sec. 5. Section 1 of this Act takes effect immediately under
25 AS 01.10.070(c).