

Offered: 1/20/89  
Referred: Judiciary

go0279hE

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 58 (C&RA)

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 the enforcement and penalty provisions of certain laws on fire protection, fireworks, and warning placards for hazardous substances; and providing for an effective date."

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

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\* Section 1. AS 18.70.090 is amended to read:

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Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The

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Department of Public Safety and the chief of each [CITY] fire department

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recognized under regulations adopted by the Department of Public

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Safety, and their authorized representatives in their respective

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areas, may enforce the regulations adopted by the Department of Public

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Safety for the prevention of fire or for the protection of life and

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property against fire or panic. All state peace officers may assist

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the Department of Public Safety in the enforcement of AS 18.70.010 -

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18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under

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those sections [IT]. The authority conferred in AS 18.70.010 - 18.-

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70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the

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provisions of AS 11.46.400 - 11.46.430.

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\* Sec. 2. AS 18.70.100 is amended to read:

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Sec. 18.70.100. VIOLATION. (a) A person is [WHO VIOLATES ANY

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PROVISION OF AS 18.70.010 - 18.70.100 OR THE PUBLISHED REGULATIONS OR

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ORDERS ADOPTED UNDER IT FROM WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30

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DAYS AFTER THE ISSUANCE OF A FINAL ORDER IS, SEVERALLY, FOR EACH

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VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of

1 not more than \$500, or by imprisonment for not more than six months,  
2 or by both, if the person (1) violates or otherwise fails to comply  
3 with a provision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310,  
4 or a regulation adopted under those sections; (2) fails to comply with  
5 a department order issued under AS 18.70.010 - 18.70.100 or 18.70.-  
6 300 - 18.70.310, unless a motion for a stay is filed with the superior  
7 court within 10 days after issuance of the order; or (3) fails to  
8 comply with a department order issued under AS 18.70.010 - 18.70.100  
9 or 18.70.300 - 18.70.310, within 10 days after a motion for stay has  
10 been denied by the superior court. A person aggrieved by a final  
11 order of the department may appeal to the superior court within 30  
12 days after the issuance of the order. The imposition of one penalty  
13 for a violation does not excuse the violation. A [AND A] person  
14 guilty of a violation shall correct the violation within a reasonable  
15 time. When not otherwise specified, each 10 days that a prohibited  
16 condition is maintained is a separate offense.

17 (b) The application of the penalty prescribed in (a) of this  
18 section does not prevent the department [DEPARTMENT OF PUBLIC SAFETY]  
19 from enforcing the removal of the prohibited conditions.

20 \* Sec. 3. AS 18.70.100 is amended by adding a new subsection to read:

21 (c) In this section, "department" means the Department of Public  
22 Safety or a fire department that is enforcing fire safety regulations  
23 under AS 18.70.090.

24 \* Sec. 4. AS 18.72.040 is amended to read:

25 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY  
26 AND WILFULLY] fails to comply with a provision of this chapter or  
27 fireworks regulations adopted in the fire safety code is guilty of a  
28 misdemeanor and upon conviction is punishable by a fine of not more  
29 than \$500, or by imprisonment for not more than six months, or by

1       both. Each day of noncompliance constitutes a separate offense.   In  
2       this section, "recklessly" has the meaning given in AS 11.81.900.  
3       \* Sec. 5. Section 1 of this Act takes effect immediately under AS 01.-  
4       10.070(c).