

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 58 (Judiciary)

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
7 provisions of certain laws on fire protection, fire-
8 works, and warning placards for hazardous substances;
9 authorizing the adoption and use of alternative
10 designs for warning placards for hazardous sub-
11 stances; amending Alaska Rule of Appellate Procedure
12 603(a)(2); and providing for an effective date."

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

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

15 Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The
16 Department of Public Safety and the chief of each [CITY] fire depart-
17 ment recognized under regulations adopted by the Department of Public
18 Safety, and their authorized representatives in their respective
19 areas, may enforce the regulations adopted by the Department of Public
20 Safety for the prevention of fire or for the protection of life and
21 property against fire or panic. All state peace officers may assist
22 the Department of Public Safety in the enforcement of AS 18.70.010 -
23 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under
24 those sections [IT]. The authority conferred in AS 18.70.010 - 18.-
25 70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the
26 provisions of AS 11.46.400 - 11.46.430.

27 * Sec. 2. AS 18.70.100 is repealed and reenacted to read:

28 Sec. 18.70.100. VIOLATION. (a) A person who violates a pro-
29 vision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a

1 regulation adopted under those sections, or who fails to comply with
2 an order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.
3 310 is guilty of a class B misdemeanor. When not otherwise specified,
4 each 10 days that the violation or noncompliance continues is a sepa-
5 rate offense.

6 (b) A person aggrieved by a final order may appeal to the supe-
7 rior court within 30 days after the issuance of the final order.
8 Filing of the appeal does not excuse noncompliance with the order.
9 The court may stay the operation of the order on those terms relating
10 to bonding or other matters that the court finds proper. A stay may
11 not be granted or continued if the court finds that it is against the
12 public interest.

13 * Sec. 3. AS 18.70.310(b) is amended to read:

14 (b) The Department of Public Safety, division of fire prevention,
15 shall adopt the National Fire Protection Association 704M system of
16 warning placards for hazardous chemicals, hazardous materials, and
17 hazardous wastes. A municipality may, with the approval of the De-
18 partment of Public Safety, division of fire prevention, adopt and use
19 an alternative design for warning placards that gives adequate warning
20 to the public and emergency response personnel, if the 704M system
21 placards are inappropriate. The Department of Public Safety, division
22 of fire prevention, may by regulation adopt one or more alternative
23 designs for warning placards for use at an approved site outside a
24 municipality by a business or government agency if the 704M system
25 placards are inappropriate.

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

27 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY
28 AND WILFULLY] fails to comply with a provision of this chapter or
29 fireworks regulations adopted in the fire safety code is guilty of a

1 class B misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
2 NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
3 OR BY BOTH]. Each day of noncompliance constitutes a separate of-
4 fense. In this section, "recklessly" has the meaning given in AS 11.-
5 81.900.

6 * Sec. 5. AS 18.70.100(b), as amended by sec. 2 of this Act, amends
7 Alaska Rule of Appellate Procedure 603(a)(2) by prohibiting the granting or
8 continuation of a stay if the court finds it is against the public interest
9 and by giving the court discretion regarding the terms and conditions of a
10 stay, including bonding.

11 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).