

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2120

BY: HUTCHCROFT

AS INTRODUCED

AN ACT RELATING TO EXPLOSIVES; AMENDING 21 O.S. 1991, SECTIONS 1369 AND 1767.3, 47 O.S. 1991, SECTION 1-117, AND 63 O.S. 1991, SECTION 141.1, WHICH RELATE TO DEFINITIONS OF "EXPLOSIVES"; MODIFYING SUCH DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1369, is amended to read as follows:

Section 1369. The term "explosives" as used in this act shall be deemed to mean any chemical compound or mechanical mixture that is commonly used or which is intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, by chemical reaction, or by detonation of any part of the compound or mixture may cause ~~such a sudden generation of highly heated gases that the resultant~~ gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. Provided, that dynamite, nitroglycerin, gunpowder, blasting

powder and trinitrotoluene shall be deemed explosives without further proof of their explosive nature.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1767.3, is amended to read as follows:

Section 1767.3 As used in Section 1767.1 of Title 21 of the Oklahoma Statutes:

1. "Explosive" or "explosives" ~~mean~~ means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion; i.e., with substantial instantaneous release of gas ~~and~~ and/or heat, unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosives" shall include all material which is classified as explosives by the United States Department of Transportation.

2. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "Molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals.

4. "Component parts" means separate parts which if assembled would form an explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition.

5. "Simulated bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, a destructive device or explosive as defined in this

section, but is, in fact, an inoperative facsimile or imitation of such a destructive device or explosive.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1-117, is amended to read as follows:

Section 1-117. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas ~~and~~ and/or heat, unless such compound, mixture, or device is otherwise specifically classified by the Interstate Commerce Commission. The term "explosives" shall include all material which is classified as Class A, Class B and Class C explosives by the Interstate Commerce Commission, and includes but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, ignitor cord, igniters, and some special fireworks. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 141.1, is amended to read as follows:

Section 141.1 A. "Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas ~~and~~ and/or heat, unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term "explosive" shall include all material which is classified as explosive by the United States Department of Transportation.

B. "Blasting agent" means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by

means of a test blasting cap containing two (2) grams of a mixture eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength.

C. The term "explosive" or "blasting agent" shall not include explosives in the forms prescribed in the official UNITED STATES PHARMACOPOEIA; fireworks as defined by Section 1622 of Title 68 of the Oklahoma Statutes; or small arms ammunition and components therefor, which are subject to the Gun Control Act of 1968 (Title 18, Chapter 44, U.S. Code) and regulations promulgated thereunder.

D. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof.

SECTION 5. This act shall become effective September 1, 1992.

43-2-7002 MCD