

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 211

BY: HERBERT

AS INTRODUCED

AN ACT RELATING TO REVENUE AND TAXATION; AMENDING 68  
O.S. 1981, SECTIONS 1621, 1623, AS AMENDED BY  
SECTION 1, CHAPTER 17, O.S.L. 1983, 1624, 1625, AS  
LAST AMENDED BY SECTION 1, CHAPTER 239, O.S.L.  
1986, 1626, AS LAST AMENDED BY SECTION 44, CHAPTER  
223, O.S.L. 1986, 1627, 1628, 1629 AND 1630 (68  
O.S. SUPP. 1990, SECTIONS 1623, 1625 AND 1626),  
WHICH RELATE TO FIREWORKS; MODIFYING PURPOSE OF  
ACT; MODIFYING POSTING REQUIREMENT; PROHIBITING  
PERSON UNDER AGE OF FOURTEEN YEARS FROM WORKING AT  
LOCATION WHERE FIREWORKS OFFERED FOR RETAIL SALE;  
REQUIRING FIREWORKS AND PYROTECHNIC DEVICES BE  
CLASSIFIED IN CERTAIN MANNER; PROHIBITING CERTAIN  
DISTRIBUTION; PROVIDING THAT CERTAIN DISTRIBUTION,  
GIFT OR SALE NOT BE CONSIDERED AS OCCURRING WITHIN  
OKLAHOMA; REQUIRING COPY OF RETAIL FIREWORKS  
LICENSE BE FORWARDED TO OFFICE OF STATE FIRE  
MARSHAL; MODIFYING APPORTIONMENT OF CERTAIN FEES;  
PROHIBITING EXPLOSION OR IGNITION OF FIREWORKS IN  
CERTAIN LOCATIONS; AUTHORIZING CERTAIN PERSONS TO  
ARREST VIOLATORS OF ACT; SPECIFYING TIME PERIOD FOR  
CERTAIN APPEAL; REQUIRING DESTRUCTION OF CONTRABAND  
FIREWORKS BY STATE FIRE MARSHAL; DELETING PROVISION

RELATED TO CONSTRUCTION OF ACT; PROHIBITING  
ISSUANCE OF PUBLIC DISPLAY PERMIT UNLESS CERTAIN  
CONDITIONS ARE MET; REQUIRING AND PROVIDING  
PROCEDURES FOR LICENSING OF PYROTECHNIC OPERATORS  
AND PYROTECHNIC OPERATOR'S ASSISTANTS; SPECIFYING  
APPLICATION PROCEDURES AND FEES; REQUIRING CERTAIN  
EXAMINATIONS AND EXPERIENCE; PROVIDING PROCEDURES  
FOR LICENSE RENEWAL; REQUIRING STATE FIRE MARSHAL  
TO INVESTIGATE EXPERIENCE AND COMPETENCY OF  
APPLICANTS; SPECIFYING RESPONSIBILITIES OF  
PYROTECHNIC OPERATORS; REQUIRING STATE LICENSE FOR  
PUBLIC DISPLAY OF FIREWORKS; REQUIRING CERTAIN  
RESTRICTIONS OF SPECTATORS; SPECIFYING APPLICATION  
PROCEDURES; REQUIRING ADDITIONAL SPECIAL EFFECTS  
PERMITS FOR CERTAIN DEVICES; REQUIRING CERTAIN  
DIAGRAM AND OTHER INFORMATION BE SUBMITTED;  
REQUIRING COPY OF PERMIT BE FORWARDED TO NEAREST  
AIR TRAFFIC CONTROL TOWER AND REQUIRING ADDITIONAL  
INFORMATION; REQUIRING DISPLAY TO BE UNDER  
DIRECTION OF LICENSED PYROTECHNIC OPERATOR;  
INCREASING AMOUNTS OF REQUIRED LIABILITY INSURANCE  
COVERAGE; MODIFYING ITEMS WHICH MAY BE USED FOR  
PUBLIC DISPLAY; PROVIDING CERTAIN DEFINITION OF  
CERTAIN FIREWORKS AND SPECIFYING STORAGE  
REQUIREMENTS; PROVIDING THAT CERTAIN ITEMS BE  
CONSIDERED ILLEGAL FIREWORKS EXCEPT WHEN USED BY  
GOVERNMENT AGENCIES; MODIFYING ACTS CONSIDERED  
UNLAWFUL; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 68 O.S. 1981, Section 1621, is  
amended to read as follows:

Section 1621. The purpose and intent of this act, Section 1621 et seq. of this title, is to establish orderly sales, use and storage of fireworks, to specify conditions of sales and licensing provisions, to prohibit certain fireworks, to provide for seizure and disposition of illegal fireworks and for arrest of offenders of this act and to establish penalties for violations.

SECTION 2. AMENDATORY 68 O.S. 1981, Section 1623, as amended by Section 1, Chapter 17, O.S.L. 1983 (68 O.S. Supp. 1990, Section 1623), is amended to read as follows:

Section 1623. Class "C" Common Fireworks may be legally stored, sold and used in this state with the exceptions and conditions specified under the provisions of this act, Section 1621 et seq. of this title.

(a) All fireworks storage and sales areas shall be conspicuously posted with signs reading "FIREWORKS-NO SMOKING-BY ORDER OF STATE FIRE MARSHAL".

(b) Fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. Mail-order sales to consumers are prohibited through any medium of either interstate or intrastate commerce. Sales of fireworks may only be made at properly licensed retail locations within the State of Oklahoma. A sales clerk must be on duty to serve the consumer at the time of purchase. No person under fourteen (14) years of age shall be permitted to work at a location where fireworks are offered for retail sale.

(c) Fireworks shall not be sold or displayed to the public within any building or portion thereof or any vehicle which allows entry by any persons other than employees within such building or vehicle unless the fireworks are kept where they cannot be reached or handled by those persons. An enclosed building used for sale of

fireworks to the public shall have adequate exits as determined by the State Fire Marshal. The use of tents or other nonrigid shelters for the sale or storage of fireworks where the public may move about under or within the confines of a shelter is prohibited.

(d) The retail license holder shall be responsible for the safe operation of retail sales to the public. The retail license holder shall be at least sixteen (16) years of age.

(e) No person shall offer fireworks for sale to residents of the State of Oklahoma at retail before the 15th day of June or after the 6th day of July and before the 15th day of December or after the 2nd day of January in each year.

(f) The State Fire Marshal shall classify all fireworks and pyrotechnic devices as set forth in 49 C.F.R., Section 173.100(R), which is as follows:

(1) Ground and hand-held Sparkling Devices

- a. Sparkler; Dipped Stick. Stick or wire coated with a pyrotechnic composition that produces a shower of sparks and/or color upon ignition. Total pyrotechnic composition may not exceed one hundred (100) grams per item. Those devices containing a perchlorate or chlorate salt may not exceed five (5) grams of pyrotechnic composition per item;
- b. Cylindrical fountain. Cylindrical tube containing not more than seventy-five (75) grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced. This device may be provided with a spike for insertion into the ground (Spike Fountain), a wood or plastic base for placing on the ground (Base Fountain), or a

- wood or cardboard handle to be hand held (Handle Fountain);
- c. Cone Fountain. Cardboard or heavy paper cone containing not more than fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain;
- d. Illuminating Torch. Cylindrical tube containing not more than one hundred (100) grams of pyrotechnic composition that produces a colored flame upon ignition. May be spike, base or hand held;
- e. Wheel. Pyrotechnic device intended to be attached to a post or tree by means of a nail or string. May have one or more drivers, each of which may contain not more than sixty (60) grams of pyrotechnic composition. No wheel may contain more than two hundred forty (240) grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect;
- f. Ground Spinner. Small device containing not more than twenty (20) grams of pyrotechnic composition, venting out an orifice usually on the side of the tube. Similar in operation to a wheel but intended to be placed flat on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device; and
- g. Flitter Sparkler. Narrow paper tube attached to a stick or wire and filled with not more than five (5) grams of pyrotechnic composition that produces color and sparks upon ignition. The

paper at one end of the tube is ignited to make the device function.

(2) Aerial Devices

- a. Sky Rockets and Bottle Rockets. Cylindrical tube containing not more than twenty (20) grams of chemical composition and usually producing a pyrotechnic effect. These rockets have attached to them wooden sticks for guidance and stability and rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight;
- b. Missile-type Rocket. A device similar to a sky rocket in size, composition and effect that uses fins rather than a stick for guidance and stability;
- c. Helicopter, Aerial Spinner. A tube containing not more than twenty (20) grams of chemical composition, with a propeller or blade attached. Upon ignition the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight;
- d. Roman Candle. Heavy paper or cardboard tube containing not more than twenty (20) grams of chemical composition. Upon ignition, "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled; and
- e. Mine, Shell. Heavy cardboard or paper tube usually attached to a wooden or plastic base and containing not more than forty (40) grams of chemical composition and twenty (20) grams of "lift" charge, that part that actually lifts the

aerial effect(s) into the air, per tube. Upon ignition "stars", components producing audible effects containing up to one hundred thirty (130) milligrams of explosive composition per report, or other devices are propelled into the air. A mine may contain more than one (1) tube provided the tubes fire in sequence upon ignition of one (1) external fuse. Total chemical composition of any multiple tube device may not exceed two hundred (200) grams.

(3) Audible Ground Devices

- a. Firecracker. Small, paper-wrapped or cardtube containing not more than fifty (50) milligrams of explosive composition, except that those used in aerial devices may contain up to one hundred thirty (130) milligrams of explosive composition per report. Upon ignition, noise and a flash of light are produced;
- b. Chaser. Paper or cardboard tube venting out the fuse end of the tube containing not more than twenty (20) grams of chemical composition. The device travels along the ground upon ignition. Venting occurs out the fuse end of the tube. A whistling effect, or other noise, is often produced. Explosive composition may be included to produce the audible effect but may not exceed fifty (50) milligrams; and
- c. Party Popper. Small plastic or paper item containing not more than sixteen (16) milligrams (one-quarter (0.25) grain) of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite

it. This item expells non-flammable paper streamers and/or other non-flammable novelties and produces a small report.

(4) Novelties

- a. Toy Smoke Device. Small plastic or paper item containing not more than one hundred (100) grams pyrotechnic composition that, upon ignition, producers white or colored smoke as the primary effect. These devices, when complying with the provisions of this standard, are classed as "Class C Explosives" and described as "Joy Smoke Devices" for transportation purposes;
- b. Snapper. Small, paper-wrapped item containing a total of not more than 0.1 milligrams of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report. These devices, when complying with the provisions of this standard, are classed as "Class C Explosives" and described as "Trick Noise Makers" for transportation purposes;
- c. Snake, Glow Worm. Pressed pellet of pyrotechnic composition that produces a large, snakelike ash upon burning. The ash expands in length as the pellet burns. These devices are not regulated for transportation purposes; and
- d. Other novelties. Devices with limited amounts of explosive or pyrotechnic composition intended to produce unique visible or audible effects. Examples include cigarette loads, trick matches, and explosive auto alarms.

(5) Combination Items. Fireworks devices intended to produce more than one of the effects and which contain not more than two hundred (200) grams of total chemical composition.

SECTION 3. AMENDATORY 68 O.S. 1981, Section 1624, is amended to read as follows:

Section 1624. (a) ~~From and after July 5, 1981, the~~ The sale, gift, ~~or~~ or distribution from retail sales, or use of skyrocket sticks as defined by the United States Department of Transportation is hereby prohibited within the State of Oklahoma. This prohibition shall include, but is not limited to, explosive devices commonly known as "bottlerockets" or "stickrockets". Distribution, gift or sale from an Oklahoma manufacturer, distributor or wholesaler to a person outside the State of Oklahoma shall not be considered as occurring within the State of Oklahoma.

(b) Any and all items of Class "C" Common Fireworks not properly labeled according to the United States Consumer Product Safety Commission and identified with the "DOT Class 'C' Common Fireworks" marking on each retail sale unit is prohibited under the provisions of this act, Section 1621 et seq. of this title.

SECTION 4. AMENDATORY 68 O.S. 1981, Section 1625, as last amended by Section 1, Chapter 239, O.S.L. 1986 (68 O.S. Supp. 1990, Section 1625), is amended to read as follows:

Section 1625. The following license fees shall be due and payable on or before March 1 of each and every year beginning March 1, 1981, to the Oklahoma Tax Commission.

(a) A license fee of One Thousand Dollars (\$1,000.00) annually shall be charged for the license to do business within this state as a manufacturer. Provided no manufacturer's license shall be issued without: (1) proof of inspection by the State Fire Marshal pursuant to Section 1633 of this title; and (2) without proof of workers'

compensation coverage pursuant to the provisions of Title 85 of the Oklahoma Statutes.

(b) A license fee of One Thousand Dollars (\$1,000.00) annually shall be charged for the license to do business within this state as a distributor.

(c) A license fee of Five Hundred Dollars (\$500.00) annually shall be charged for the license to do business within this state as a wholesaler.

(d) Any person operating a retail location where fireworks are sold directly to the consumer shall be required to purchase a retail fireworks license. The retail license fee shall be Ten Dollars (\$10.00) annually and may be purchased from any licensed wholesaler, manufacturer or distributor. These serially numbered licenses shall be made available at any time to the licensed wholesalers, manufacturers or distributors in books of twenty (20) licenses to a book. Retail licenses which are unsold may be exchanged for new licenses. Any person purchasing a retail fireworks license pursuant to this paragraph shall, at the time of purchasing such license, sign an affidavit attesting to the fact that the name, mailing address and telephone number of the purchaser as it appears on such license is correct and that the purchaser operates a retail location where fireworks are sold directly to the consumer. Said affidavit shall be an integral but easily detachable part of the application form for a retail fireworks license. Any person who signs said affidavit as required by this paragraph when such person knows that it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

(e) A true and correct copy of each retail fireworks license purchased, with the address of the actual physical location of the retail sales site, shall be forwarded by the licensed wholesaler, manufacturer or distributor from whom such license is purchased to

the Office of the State Fire Marshal in Oklahoma City on the day of purchase.

SECTION 5. AMENDATORY 68 O.S. 1981, Section 1626, as last amended by Section 44, Chapter 223, O.S.L. 1986 (68 O.S. Supp. 1990, Section 1626), is amended to read as follows:

Section 1626. All license fees specified in Section 1625 of this title shall be collected by the Oklahoma Tax Commission and shall be paid to the State Treasurer of the State of Oklahoma, to be ~~placed~~ apportioned as follows:

1. Eighty percent (80%) to the credit of the General Revenue Fund of the State Treasury; and

2. Twenty percent (20%) to the credit of the State Fire Marshal Fund to be used by the Office of the State Fire Marshal to defray the cost of enforcing the provisions of Section 1621 et seq. of this title.

SECTION 6. AMENDATORY 68 O.S. 1981, Section 1627,) is amended to read as follows:

Section 1627. (a) No person shall knowingly sell, purchase or deliver, or cause to be sold, purchased or delivered, fireworks for resale to any other person who does not possess a valid license under this act, Section 1621 et seq. of this title. It shall be unlawful for a distributor, wholesaler or retailer, licensed under this act, to purchase fireworks from any person, unless the distributor, wholesaler or retailer determines that the person holds a valid distributor's, wholesaler's or manufacturer's license under this act. All retail sales outlets shall have a current retail license. The license shall be conspicuously posted in the immediate vicinity of the sales operation and shall be immediately available for examination by the public or any enforcement officer. No license provided for herein shall be transferable nor shall any person be permitted to operate under a license granted to another person.

(b) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of twelve (12) years, unless accompanied by an adult, or to any intoxicated or irresponsible person.

(c) It shall be unlawful to explode or ignite fireworks within five hundred (500) feet of any church, hospital, asylum, unharvested, flammable agricultural crop, public school, penal facility, above-ground area where flammable liquids are stored or area where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle; nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or at or near any group of people.

SECTION 7. AMENDATORY 68 O.S. 1981, Section 1628, is amended to read as follows:

Section 1628. Violation of any provision of this act, Section 1621 et seq. of this title, is a misdemeanor punishable as follows:

(a) Discharging fireworks in violation of this act shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).

(b) Illegal sale, violation of licensing provision, false labeling, or any other violation of this act shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00), ninety (90) days' imprisonment in the county jail, or both. In the event of a second conviction the license shall be revoked for a period of eighteen (18) months. Each violation of this act shall constitute a separate offense. No other person shall be granted a license to operate in the same location during the period of a revoked license.

(c) The State Fire Marshal, his deputies, or any authorized police or peace officer of this state shall arrest any person or persons in violation of this act and shall seize as contraband any illegal fireworks as defined under the terms of this act. Fireworks seized in the enforcement of this act shall be held in custody of

the county sheriff in which county such fireworks were seized. The party surrendering the fireworks, if aggrieved by the action, may file an appeal in writing to the district court in the county where fireworks were seized within ten (10) days of such seizure. Upon hearing the appeal, the district court may authorize the return of part or all of the confiscated fireworks; otherwise, the court shall authorize and direct that such contraband fireworks be destroyed by the State Fire Marshal.

(d) The provisions of this act shall be enforced by the State Fire Marshal and local fire marshals, the sheriff, the police or any peace officer licensed or authorized by this state or by their respective deputies.

SECTION 8. AMENDATORY 68 O.S. 1981, Section 1629, is amended to read as follows:

Section 1629. ~~Nothing in this act shall be construed as applying to shipping, sale, possession or use of fireworks for Class B Display by holders of a permit for a public display to be conducted in accordance with the rules and regulations of the State Fire Marshal Commission.~~

A. Pyrotechnic operators shall be licensed by the State Fire Marshal to conduct public displays of special fireworks, Class B or C fireworks. No public display permit shall be issued unless at least one State Fire Marshal-licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

B. Application for license shall be made on forms prepared by the State Fire Marshal and shall be accompanied by a license fee of One Hundred Dollars (\$100.00). This license shall be valid for a four-year period. Every person issued a pyrotechnic operator's license shall take and pass a written examination administered by the State Fire Marshal and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least five public displays as an

assistant, at least one of which shall have been in the current or preceding year.

C. Pyrotechnic operator's assistants shall be licensed by the State Fire Marshal to assist licensed pyrotechnic operators at special fireworks or Class B fireworks displays. It shall be the licensed pyrotechnic operator's responsibility, within thirty (30) days of employment of an assistant, to submit an application to the State Fire Marshal's Office for an assistant license in the class that the employee will be training. The application for license shall be made on forms prepared by the State Fire Marshal and shall be accompanied by a license fee of Twenty Dollars (\$20.00). This license shall be valid for a two-year period.

D. A pyrotechnic operator's license renewal shall be automatic upon provision of proof of actively participating in at least three (3) outdoor fireworks displays and receiving sixteen (16) hours of continuing education training during the prior four (4) years. The fee for renewal of a pyrotechnic operator's license shall be One Hundred Dollars (\$100.00).

E. A pyrotechnic operator's assistant license renewal shall be automatic upon provision of proof of actively participating in at least two (2) outdoor fireworks displays and receiving sixteen (16) hours of on-the-job training in the last two (2) years. Every person whose pyrotechnic operator's assistant license is renewed shall take and pass a written examination administered by the State Fire Marshal and shall submit evidence attesting to the qualifications and experience of the applicant.

F. Upon receipt of application and license fee, the State Fire Marshal shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If

experience requirements are satisfactory, the State Fire Marshal shall schedule a written examination for the applicant. A passing score of at least seventy percent (70%) shall be required on the written examination. An applicant failing the written examination may reapply within thirty (30) days to retake the examination. No reexamination shall be taken within thirty (30) days of the previous examination and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination on the second attempt shall be deemed to have forfeited the license fee. The State Fire Marshal shall grant or deny the license on the basis of investigation and examination.

G. The pyrotechnic operator shall:

1. Be responsible for properly setting up the fireworks display in accordance with the rules and regulations of the State Fire Marshal;

2. Determine that all the mortars and set pieces are properly installed and that the proper safety precautions have been taken to ensure the safety of persons and property;

3. Have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed;

4. Refuse to fire any fireworks that are deemed by him to be unsafe or where its discharge might jeopardize life or property; and

5. Strictly observe the provisions of the state fireworks law and these rules.

H. Persons desiring to hold a public display of fireworks shall secure a state license from the State Fire Marshal and a permit from the governmental agency having jurisdiction. A state public display permit shall authorize the applicant to conduct a public display of fireworks at a given location only.

Spectators at public displays of fireworks shall be restrained behind lines or barriers. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the loading, unloading, preparation, or firing of fireworks.

Applications for permits for Class B Displays and special effects permits must be submitted in writing five (5) days prior to date of display to the clerk of the city or town where display is to occur. If the display is in an area outside the jurisdiction of a city or town, application for permit shall be made to the State Fire Marshal.

I. Additional special effects permits shall be required for the following:

1. New and unproven devices; and
2. Shells that exceed dimensions of twelve (12) inches.

A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, location of all buildings, highways, property lines and lines behind which the audience will be restrained, the location of all nearby trees, telephone poles/lines or other overhead obstructions shall be submitted with the application for the permit, along with such other information as the permit authority may deem necessary to protect persons or property.

A copy of all public display permits shall be sent by the permit holder to the nearest air traffic control tower in order that restricted air space may be provided during the display. All traffic control personnel shall be informed of the following:

1. Geographic location of display site;
2. Estimated altitude of highest device discharged; and
3. Date and approximate time display begins and ends.

Telephone contact with the chief air controller shall be made by the permit holder not less than five (5) days prior to the display, to confirm notification.

Every display shall be under the direction of a ~~competent, responsible operator of legal age~~ pyrotechnic operator licensed by the State Fire Marshal and the person or organization making application for permit must show financial liability coverage in minimum amounts of ~~Five Thousand Dollars (\$5,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00) per person, ~~Ten Thousand Dollars (\$10,000.00)~~ Five Hundred Thousand Dollars (\$500,000.00) for personal injuries from any single accident, and ~~Five Thousand Dollars (\$5,000.00)~~ Three Hundred Thousand Dollars (\$300,000.00) for property damage, or in the amount set forth by ordinance. Before a permit is granted, a local fire inspector or an agent of the State Fire Marshal shall inspect and approve or reject the site of the display. No permit so granted shall be transferable.

SECTION 9. AMENDATORY 68 O.S. 1981, Section 1630, is amended to read as follows:

Section 1630. It shall be unlawful for any person to sell display fireworks to any holder of a permit unless the seller possesses a valid manufacturer's, distributor's or wholesaler's license under this act, Section 1621 et seq. of this title.

Those items that may be used for public display as herein specified shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Department of Transportation as "~~Class A and B Display Special Fireworks~~, and Class C Common Fireworks Used in Public Displays", and shall not include such items of Class B Commercial Fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs, M-80's and torpedoes. No person shall ship Class B Commercial Fireworks into the State of Oklahoma except in the course of continuous interstate transportation. Class B Display

Special Fireworks used in public displays fall within the definition of low explosives and shall be stored as low explosives in facilities meeting the requirements for Type 4 storage facilities, prescribed by 27 Code of Federal Regulations .210. This class shall include all fireworks which are designed to produce an audible effect and contain a pyrotechnic charge in excess of two (2) grains. Items such as cherry bombs, silver salutes and M-80's shall be considered illegal fireworks except where used by government agencies. It shall be unlawful for any person to sell or possess Class B Commercial Fireworks in the State of Oklahoma unless such person is legally licensed in this state as a manufacturer, distributor, wholesaler or pyrotechnic operator.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-638

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