

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2561

6 By: Martin (Steve)

7 COMMITTEE SUBSTITUTE

8 An Act relating to revenue and taxation; amending 68
9 O.S. 2001, Sections 1627 and 1628, which relate to
10 fireworks; prohibiting certain acts with fireworks on
11 public roads and rights of way; providing for county
12 option; providing for distribution of fine; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1627, is
16 amended to read as follows:

17 Section 1627. (a) No person shall knowingly sell, purchase or
18 deliver, or cause to be sold, purchased or delivered, fireworks for
19 resale to any other person who does not possess a valid license
20 under this act. It shall be unlawful for a distributor, wholesaler
21 or retailer, licensed under this act, to purchase fireworks from any
22 person, unless the distributor, wholesaler or retailer determines
23 that the person holds a valid distributor's, wholesaler's or
24 manufacturer's license under this act. All retail sales outlets
shall have a current retail license. The license shall be

1 conspicuously posted in the immediate vicinity of the sales
2 operation and shall be immediately available for examination by the
3 public or any enforcement officer. No license provided for herein
4 shall be transferable nor shall any person be permitted to operate
5 under a license granted to another person.

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

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

18 (d) It shall be unlawful to ignite, discharge, or explode any
19 articles of fireworks on any public road outside of the city limits
20 of any incorporated municipality or the public right-of-way along
21 any public road outside of the city limits of any incorporated
22 municipality. The provisions of this subsection shall not be
23 enforced in any county unless a majority of the county commissioners
24 of the county approve the enforcement of the provisions of this

1 subsection in the county at a regularly scheduled meeting that
2 complies with the Oklahoma Open Meeting Act.

3 SECTION 2. AMENDATORY 68 O.S. 2001, Section 1628, is
4 amended to read as follows:

5 Section 1628. Violation of any provision of this act is a
6 misdemeanor punishable as follows:

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

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

17 (c) The State Fire Marshal, his deputies, or any authorized
18 police or peace officer of this state shall seize as contraband any
19 illegal fireworks as defined under the terms of this act. Fireworks
20 seized in the enforcement of this act shall be held in custody of
21 the county sheriff in which county such fireworks were seized. The
22 party surrendering the fireworks, if aggrieved by the action, may
23 file an appeal in writing to the district court in the county where
24 fireworks were seized. Upon hearing the appeal, the district court

1 may authorize the return of part or all of the confiscated
2 fireworks; otherwise, the court shall authorize and direct that such
3 contraband fireworks be destroyed.

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

8 (e) The fines collected from the payment of such citations
9 issued pursuant to subsection (d) of Section 1627 of this title
10 shall, after deduction of court costs, be paid into the service fee
11 account for the sheriff for that county to be used for enforcing
12 provisions of this section.

13 SECTION 3. This act shall become effective November 1, 2008.

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15 51-2-10327 SD 02/26/08

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