

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

Committee Substitute for
House Bill No. 2561

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2561 - By: MARTIN (STEVE) of the House and JUSTICE of the Senate.

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

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

1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1627, is amended to read
2 as follows:
3 Section 1627. (a) No person shall knowingly sell, purchase or deliver, or cause to be
4 sold, purchased or delivered, fireworks for resale to any other person who does not
5 possess a valid license under this act. It shall be unlawful for a distributor, wholesaler or
6 retailer, licensed under this act, to purchase fireworks from any person, unless the
7 distributor, wholesaler or retailer determines that the person holds a valid distributor's,
8 wholesaler's or manufacturer's license under this act. All retail sales outlets shall have a
9 current retail license. The license shall be conspicuously posted in the immediate
10 vicinity of the sales operation and shall be immediately available for examination by the

1 public or any enforcement officer. No license provided for herein shall be transferable
2 nor shall any person be permitted to operate under a license granted to another person.

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

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

12 (d) It shall be unlawful to ignite, discharge, or explode any articles of fireworks on
13 any public road outside of the city limits of any incorporated municipality or the public
14 right-of-way along any public road outside of the city limits of any incorporated
15 municipality. The provisions of this subsection shall not be enforced in any county
16 unless a majority of the county commissioners of the county approve the enforcement of
17 the provisions of this subsection in the county at a regularly scheduled meeting that
18 complies with the Oklahoma Open Meeting Act.

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

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

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

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

9 (c) The State Fire Marshal, his deputies, or any authorized police or peace officer of
10 this state shall seize as contraband any illegal fireworks as defined under the terms of
11 this act. Fireworks seized in the enforcement of this act shall be held in custody of the
12 county sheriff in which county such fireworks were seized. The party surrendering the
13 fireworks, if aggrieved by the action, may file an appeal in writing to the district court in
14 the county where fireworks were seized. Upon hearing the appeal, the district court may
15 authorize the return of part or all of the confiscated fireworks; otherwise, the court shall
16 authorize and direct that such contraband fireworks be destroyed.

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

20 (e) The fines collected from the payment of such citations issued pursuant to
21 subsection (d) of Section 1627 of this title shall, after deduction of court costs, be paid

1 into the service fee account for the sheriff for that county to be used for enforcing
2 provisions of this section.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
5 dated 02-27-08 - DO PASS, As Amended and Coauthored.