

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1943 By: Anderson of the Senate
3 and
4 Armes of the House
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7 An Act relating to fireworks display; modifying the
8 effective date of Enrolled Senate Bill No. 844 of the
9 1st Session of the 53rd Oklahoma Legislature;
10 repealing Section 11 of Enrolled Senate Bill No. 844
of the 1st Session of the 53rd Oklahoma Legislature,
which relates to the effective date; providing for
noncodification; and declaring an emergency.

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12 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

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14 "An Act relating to fireworks display; amending 68
15 O.S. 2011, Sections 1625.1, 1626 and 1636, which
16 relate to fireworks; directing delivery of certain
license copies to Office of the State Fire Marshal;
17 modifying agency to collect certain license fees;
18 requiring license or permit after certain date; and
declaring an emergency.

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

20 SECTION 1. AMENDATORY 68 O.S. 2011, Section 1625.1, is
21 amended to read as follows:

22 Section 1625.1 A. Any wholesaler, manufacturer or distributor
23 who sells retail fireworks licenses, pursuant to paragraph ~~(d)~~ 4 of
24 Section 1625 of ~~Title 68 of the Oklahoma Statutes~~ this title, shall

1 deliver to the ~~Tax Commission~~ Office of the State Fire Marshal on
2 January 31 and July 31 of each calendar year all copies of retail
3 fireworks licenses which such wholesaler, manufacturer or
4 distributor has issued during the preceding six-month period.

5 B. If the license copies are not delivered to the ~~Tax~~
6 ~~Commission~~ Office of the State Fire Marshal on January 31 and July
7 31 of each calendar year, an additional penalty of Five Dollars
8 (\$5.00) shall accrue for each day thereafter that said license
9 copies are not delivered pursuant to the provisions of this section.

10 SECTION 2. AMENDATORY 68 O.S. 2011, Section 1626, is
11 amended to read as follows:

12 Section 1626. All license fees specified in Section 1625 of
13 this title shall be collected by the ~~Oklahoma Tax Commission~~ Office
14 of the State Fire Marshal and shall be paid to the State Treasurer
15 of the State of Oklahoma, to be placed to the credit of the General
16 Revenue Fund of the State Treasury.

17 SECTION 3. AMENDATORY 68 O.S. 2011, Section 1636, is
18 amended to read as follows:

19 Section 1636. A. An individual or entity shall have the
20 appropriate Oklahoma license or permit to conduct an outdoor
21 fireworks display on or after January 1, 2013.

22 B. To receive a manufacturer, distributor or wholesaler
23 license, an applicant shall make application to the State Fire
24 Marshal on a form prescribed by the State Fire Marshal. The

1 application shall be accompanied by the required fee. An individual
2 seeking a license as a sole proprietor or on behalf of a business
3 entity shall be at least twenty-one (21) years of age and shall not
4 have been convicted of or pled guilty or nolo contendere to any
5 state or federal felony. In the case of a business seeking a
6 license, no officer or member of its governing board shall have been
7 convicted of or pled guilty or nolo contendere to any state or
8 federal felony.

9 Nothing in this act shall be construed as applying to shipping,
10 sale, possession or use of display fireworks when displayed by
11 holders of a permit for a public display to be conducted in
12 accordance with the rules and regulations of the State Fire Marshal
13 Commission.

14 Applications for permits for display fireworks shall be
15 submitted in writing prior to the date of display to the Authority
16 Having Jurisdiction (AHJ) as defined by the NFPA 1123 where the
17 display is to occur. If the display is in an area outside the
18 jurisdiction of a municipality, application for the permit shall be
19 submitted in writing to the Office of the State Fire Marshal ten
20 (10) days prior to the date of the display. Every display shall be
21 under the direction of a competent, responsible, licensed outdoor
22 display operator, of legal age, and shall be conducted under the
23 code of regulations as adopted by the State Fire Marshal Commission.
24 The individual or organization applying for a permit shall submit to

1 the AHJ evidence of a general liability insurance policy in an
2 amount of not less than One Million Dollars (\$1,000,000.00) or the
3 amount set forth by the local governing authority. Before a permit
4 is granted, a local fire inspector or an agent of the State Fire
5 Marshal shall inspect and approve or reject the site of the display.
6 No permit so granted shall be transferable.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval."

11 Passed the House of Representatives the 12th day of April, 2012.

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Presiding Officer of the House of
Representatives

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16 Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate

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