

ENROLLED SENATE  
BILL NO. 1943

By: Anderson of the Senate

and

Armes of the House

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

SUBJECT: Fireworks

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

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

Section 1625.1. A. Any wholesaler, manufacturer or distributor who sells retail fireworks licenses, pursuant to paragraph ~~(d)~~ 4 of Section 1625 of ~~Title 68 of the Oklahoma Statutes~~ this title, shall deliver to the ~~Tax Commission~~ Office of the State Fire Marshal on January 31 and July 31 of each calendar year all copies of retail fireworks licenses which such wholesaler, manufacturer or distributor has issued during the preceding six-month period.

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

SECTION 2. AMENDATORY 68 O.S. 2011, 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 Office of the State Fire Marshal and shall be paid to the State Treasurer of the State of Oklahoma, to be placed to the credit of the General Revenue Fund of the State Treasury State Fire Marshall Revolving Fund.

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

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

B. To receive a manufacturer, distributor or wholesaler license, an applicant shall make application to the State Fire Marshal on a form prescribed by the State Fire Marshal. The application shall be accompanied by the required fee. An individual seeking a license as a sole proprietor or on behalf of a business entity shall be at least twenty-one (21) years of age and shall not have been convicted of or pled guilty or nolo contendere to any state or federal felony. In the case of a business seeking a license, no officer or member of its governing board shall have been convicted of or pled guilty or nolo contendere to any state or federal felony.

Nothing in this act shall be construed as applying to shipping, sale, possession or use of display fireworks when displayed 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.

Applications for permits for display fireworks shall be submitted in writing prior to the date of display to the Authority Having Jurisdiction (AHJ) as defined by the NFPA 1123 where the display is to occur. If the display is in an area outside the jurisdiction of a municipality, application for the permit shall be submitted in writing to the Office of the State Fire Marshal ten (10) days prior to the date of the display. Every display shall be

under the direction of a competent, responsible, licensed outdoor display operator, of legal age, and shall be conducted under the code of regulations as adopted by the State Fire Marshal Commission. The individual or organization applying for a permit shall submit to the AHJ evidence of a general liability insurance policy in an amount of not less than One Million Dollars (\$1,000,000.00) or the amount set forth by the local governing authority. 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 4. 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.

Passed the Senate the 18th day of May, 2012.

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Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2012.

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Presiding Officer of the House  
of Representatives