

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1943

By: Anderson of the Senate

and

Armes of the House

COMMITTEE SUBSTITUTE

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.

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

1 fireworks licenses which such wholesaler, manufacturer or
2 distributor has issued during the preceding six-month period.

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

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

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

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

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

20 B. To receive a manufacturer, distributor or wholesaler
21 license, an applicant shall make application to the State Fire
22 Marshal on a form prescribed by the State Fire Marshal. The
23 application shall be accompanied by the required fee. An individual
24 seeking a license as a sole proprietor or on behalf of a business

1 entity shall be at least twenty-one (21) years of age and shall not
2 have been convicted of or pled guilty or nolo contendere to any
3 state or federal felony. In the case of a business seeking a
4 license, no officer or member of its governing board shall have been
5 convicted of or pled guilty or nolo contendere to any state or
6 federal felony.

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

12 Applications for permits for display fireworks shall be
13 submitted in writing prior to the date of display to the Authority
14 Having Jurisdiction (AHJ) as defined by the NFPA 1123 where the
15 display is to occur. If the display is in an area outside the
16 jurisdiction of a municipality, application for the permit shall be
17 submitted in writing to the Office of the State Fire Marshal ten
18 (10) days prior to the date of the display. Every display shall be
19 under the direction of a competent, responsible, licensed outdoor
20 display operator, of legal age, and shall be conducted under the
21 code of regulations as adopted by the State Fire Marshal Commission.
22 The individual or organization applying for a permit shall submit to
23 the AHJ evidence of a general liability insurance policy in an
24 amount of not less than One Million Dollars (\$1,000,000.00) or the

1 amount set forth by the local governing authority. Before a permit
2 is granted, a local fire inspector or an agent of the State Fire
3 Marshal shall inspect and approve or reject the site of the display.
4 No permit so granted shall be transferable.

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

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