

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1943

By: Anderson of the Senate

and

Armes of the House

10 COMMITTEE SUBSTITUTE

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

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

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

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

1 January 31 and July 31 of each calendar year all copies of retail
2 fireworks licenses which such wholesaler, manufacturer or
3 distributor has issued during the preceding six-month period.

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

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

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

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

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

21 B. To receive a manufacturer, distributor or wholesaler
22 license, an applicant shall make application to the State Fire
23 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.

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/04/2012 -
14 DO PASS, As Amended.
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