

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H1/21/99

A Bill

HOUSE BILL 1159

5 By: Representatives M. Steele, *Gullett*
6 By: *Senator Bradford*
7
8

For An Act To Be Entitled

9
10 "AN ACT TO AMEND ARKANSAS CODE 20-22-708 TO PROHIBIT
11 THE POSSESSION, SALE OR USE OF BOTTLE ROCKETS; AND FOR
12 OTHER PURPOSES."
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Subtitle

14
15 "TO PROHIBIT THE POSSESSION, SALE OR USE
16 OF BOTTLE ROCKETS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 20-22-708 is amended to read as follows:

22 "20-22-708. Possession, sale, and use unlawful - Exceptions.

23 (a) It shall be unlawful for any person to possess, sell, or use,
24 within the State of Arkansas, or ship into the State of Arkansas, except as
25 provided in § 20-22-711, any pyrotechnics, commonly known as fireworks, other
26 than the permissible items enumerated in this section, except as provided in
27 this subchapter.

28 (b) The permissible fireworks consist of those defined in Interstate
29 Commerce Commission regulations described as Class C fireworks only and shall
30 include the following:

31 (1) Roman candles, with no handle or spike affixed thereto, not
32 exceeding ten (10) balls spaced uniformly in the tube, total pyrotechnic
33 composition not to exceed twenty (20) grams each in weight. The inside tube
34 diameter shall not exceed three-eighths inch (3/8");

35 (2) Sky rockets, with sticks, total pyrotechnic composition not
36 to exceed twenty (20) grams each in weight. The inside tube diameter shall not

1 exceed one-half inch (1/2"). The rocket sticks must be securely fastened to
2 the tubes; Notwithstanding the foregoing, the following is not a permissible
3 item: a skyrocket with a casing of less than three-eighths of an inch (3/8")
4 for the outside diameter and less than two and one-fourth inches (2 1/4") in
5 length and with an overall length, including stick, of less than twelve inches
6 (12"), customarily known as 'bottle rockets';

7 (3) Helicopter-type rockets, total pyrotechnic composition not to
8 exceed twenty (20) grams each in weight. The inside tube diameter shall not
9 exceed one-half inch (1/2");

10 (4) Cylindrical fountains, total pyrotechnic composition not to
11 exceed seventy-five (75) grams each in weight. The inside tube diameter shall
12 not exceed three-fourths inch (3/4");

13 (5) Cone fountains, total pyrotechnic composition not to exceed
14 fifty (50) grams each in weight;

15 (6) Wheels, total pyrotechnic composition not to exceed sixty
16 (60) grams for each driver unit or two hundred forty (240) grams for each
17 complete wheel. The inside tube diameter of driver units shall not exceed one-
18 half inch (1/2");

19 (7) Illuminating torches and colored fire in any form, except
20 items included in subdivision (a)(12) of this section, total pyrotechnic
21 composition not to exceed one hundred (100) grams in weight;

22 (8) Sparklers and dipped sticks, total pyrotechnic composition
23 not to exceed one hundred (100) grams each in weight. Pyrotechnic composition
24 containing any chlorate or perchlorate shall not exceed five (5) grams;

25 (9) Mines and shells of which the mortar is an integral part,
26 total pyrotechnic composition not to exceed forty (40) grams each in weight;

27 (10) Firecrackers and salutes with casings, the external
28 dimensions of which do not exceed one and one-half inches (1 1/2") in length
29 or one-quarter inch (1/4") in diameter, and other items designed to produce an
30 audible effect, total pyrotechnic composition not to exceed two (2) grams each
31 in weight;

32 (11) Novelties consisting of two (2) or more devices enumerated
33 in this paragraph, trick matches, and cigarette plugs, when approved by the
34 Federal Bureau of Explosives;

35 (12) Railway fusees, truck flares, hand ship distress signals,
36 smoke signals, and smoke pots.

1 ~~(b)~~ (c) No component of any device listed in this section which is
2 designed to produce an audible effect shall contain pyrotechnic composition in
3 excess of two (2) grams in weight excluding propelling or expelling charges.

4 (d) On and after September 1, 1999, the possession, sale, and use of
5 the common fireworks devices customarily known as 'bottle rockets', and as
6 described herein, shall be unlawful within the State of Arkansas. Provided,
7 however, the possession or sale of bottle rockets by a manufacturer, importer,
8 distributor, or jobber wholesaler to a person outside the State of Arkansas
9 for the purpose of resale outside the state shall not be considered as
10 possession or sale occurring within the State of Arkansas. The prohibition
11 contained within this subsection shall not apply to the possession, sale, and
12 use of 'bottle rockets' with sticks, within Greene County, Arkansas and other
13 Arkansas counties which are adjacent to the Mississippi River. Any person
14 violating the provisions of this subsection shall be guilty of a Class C
15 misdemeanor."

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17 SECTION 2. All provisions of this Act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 3. If any provision of this Act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the Act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 Act are declared to be severable.

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27 SECTION 4. All laws and parts of laws in conflict with this Act are
28 hereby repealed.

29 /s/ M. Steele, et al
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