An Act

ENROLLED SENATE
BILL NO. 64

By: Barrington and Shortey of the Senate

and

Joyner and Vaughan of the House

An Act relating to aerial luminaries; making it unlawful to sell, offer for sale, distribute, possess, ignite or otherwise use aerial luminaries; defining term; amending 68 O.S. 2011, Section 1628, which relates to certain violations, penalties and enforcement; providing penalties for certain violations; providing for seizure and custody of certain contraband; providing for certain appeal; authorizing certain court to return or destroy certain contraband; and providing for codification.

SUBJECT: Aerial luminaries

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1624.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful to sell, offer for sale, distribute, possess, ignite, or otherwise use aerial luminaries, commonly known as sky lanterns, Hawaii lanterns, Knogming Lanterns, Chinese lanterns, sky candles, fire balloons or flying luminaries.

B. As used in this section, "aerial luminary" means an airborne paper lantern containing a small candle, or other device for fuel, that heats air from inside the lantern causing the lantern to rise

into the air and remain airborne until the candle or other device extinguishes.

SECTION 2. AMENDATORY 68 O.S. 2011, Section 1628, is amended to read as follows:

Section 1628. A. Violation of any provision of this act is a misdemeanor punishable as follows:

~~(a)~~ 1. Discharging fireworks or igniting aerial luminaries in violation of this act shall be punishable by a fine not to exceed One Hundred Dollars ($100.00)~~.~~; and

~~(b)~~ 2. Illegal sale, violation of licensing provision, false labeling, or any other violation of this act shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00), ninety (90) days' imprisonment in the county jail, or both. In the event of a second conviction the license shall be revoked for a period of eighteen (18) months. Each violation of this act shall constitute a separate offense. No other person shall be granted a license to operate in the same location during the period of a revoked license.

~~(c)~~ B. The State Fire Marshal, his deputies, or any authorized police or peace officer of this state shall seize as contraband any illegal fireworks or aerial luminaries as defined under the terms of this act. Fireworks or aerial luminaries seized in the enforcement of this act shall be held in custody of the county sheriff in which county such fireworks or aerial luminaries were seized. The party surrendering the fireworks or aerial luminaries, if aggrieved by the action, may file an appeal in writing to the district court in the county where fireworks or aerial luminaries were seized. Upon hearing the appeal, the district court may authorize the return of part or all of the confiscated fireworks or aerial luminaries; otherwise, the court shall authorize and direct that such contraband fireworks or aerial luminaries be destroyed.

~~(d)~~ C. The provisions of this act shall be enforced by the State Fire Marshal and local fire marshals, the sheriff, the police or any peace officer licensed or authorized by this state or by their respective deputies.

Passed the Senate the 18th day of February, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd
day of April, 20 13, at 3:57 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 26th
day of April, 20 13, at 12:41 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th
day of April, 20 13, at 1:24 o'clock P. M.
By: