

SENATE BILL No. 214

By Committee on Federal and State Affairs

2-19

1 AN ACT concerning the sale of certain fireworks; prohibiting the sale of
2 bottle rockets; establishing criminal penalties.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Except as provided in subsection (c):

6 (1) It shall be unlawful to sell, offer to sell, or to possess with intent
7 to sell or offer for retail sale to the general public a bottle rocket; and

8 (2) it shall be unlawful to ignite, fire, set off or otherwise use a bottle
9 rocket.

10 (b) Any person violating the provisions of subsection (a) shall be
11 guilty of an unclassified misdemeanor punishable by a fine of not more
12 than \$100.

13 (c) The provisions of this section shall not prohibit the possession,
14 transportation, or sale of bottle rockets within Kansas by a person,
15 manufacturer, or wholesaler that is currently registered with the state fire
16 marshal pursuant to section 2, and amendments thereto, to another current
17 registered person, manufacturer, wholesaler, or retailer or to a non-
18 registered person, manufacturer, wholesaler, or retailer provided the non-
19 registered purchaser submits a certification for resale outside the state of
20 Kansas to the registered seller. The registered seller must maintain this
21 certification for three years from the date of sale.

22 (d) "Bottle rocket" means any pyrotechnic device which:

23 (1) Is classified as a class C explosive by the United States
24 department of transportation under 49 C.F.R. § 173.100 (1977);

25 (2) is mounted on a stick or wire; and

26 (3) projects into the air when ignited, with or without reports, and
27 includes any device with the same configuration, with or without reports,
28 which may be classified as a pipe or trough rocket. "Bottle rocket" does
29 not include helicopter-type rockets.

30 Sec. 2. (a) Any person who manufactures bottle rockets or sells bottle
31 rockets at wholesale and who desires to possess, sell or transport any bottle
32 rockets in this state pursuant to the provisions of section 1, and
33 amendments thereto, shall register with the state fire marshal. Such
34 registration shall entitle the manufacturer or wholesaler to possess, sell or
35 transport bottle rockets in this state for the purpose of selling to another
36 registered wholesaler or to a non-registered person, manufacturer,

1 wholesaler, or retailer provided the purchaser submits a certification for
2 resale outside the state of Kansas to the registered seller. Registration
3 pursuant to this section shall be effective for a period of four years from
4 the date of registration.

5 (b) The provisions of this section shall not require registration by a
6 person, manufacturer, wholesaler or retailers when the sale occurs in
7 Kansas and the purchaser will transport the bottle rockets out of the state
8 of Kansas for resale out of state and provides the registered seller with a
9 certificate for sale outside the state.

10 (c) The state fire marshal shall adopt rules and regulations necessary
11 to enforce the provisions of this act.

12 Sec. 3. This act shall take effect and be in force from and after its
13 publication in the statute book.