

**SENATE BILL NO. 2437
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2437

Introduced by

Senators Tallackson, Grindberg, Klein, T. Mathern

Representatives Herbel, Maragos

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 23-15 of the North Dakota
2 Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact
3 section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23-15-01 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **23-15-01. Fireworks defined - Sale of fireworks.** The term fireworks means ~~and~~
8 ~~includes~~ any combustible or explosive composition, or any substance or combination of
9 substances or article prepared for the purpose of producing a visible or an audible effect by
10 combustion, explosion, deflagration, or detonation, ~~and~~. The term includes any blank
11 ~~cartridges cartridge, toy pistols pistol, toy cannons cannon, toy canes cane, or toy guns gun in~~
12 ~~which explosives an explosive other than a toy paper caps are cap is used, the type of balloons~~
13 ~~which require; balloon that requires fire underneath to propel the same, firecrackers balloon;~~
14 ~~firecracker, torpedoes torpedo, skyrocketes skyrocket, Roman candles candle, daygo bombs~~
15 ~~bomb, sparklers sparkler, or other fireworks item of like construction; any fireworks; item~~
16 containing any explosive or flammable compound; ~~;~~ or any ~~tablets tablet~~ tablet or other device
17 containing any explosive substance. ~~Nothing in this regulation may be construed as applying~~
18 This section does not apply to any toy paper caps cap containing not more than twenty-five
19 hundredths of a grain [16.20 milligrams] of explosive composition per cap.

20 Any person, ~~firm, corporation, or limited liability company having operated~~ operating a
21 retail business ~~wherein in which~~ in which merchandise was assessed by the local taxing authority; on
22 April first ~~immediately preceding thereto, and having~~ of that year and which has a retail license
23 as provided in section 23-15-04 may offer for sale and sell at retail that year, to ~~persons of any~~

1 individual who is at least twelve years of age ~~or more~~, only during the period ~~beginning~~ June
2 ~~twenty-seventh and ending through~~ July fifth, ~~both dates inclusive~~, the following items:

- 3 1. ~~Star lights~~ A star light, with wood spike cemented in one end, total pyrotechnic
4 composition not to exceed twenty grams each in weight (10 ball).
- 5 2. ~~Helicopter~~ A helicopter type flyers flyer, total pyrotechnic composition not to
6 exceed twenty grams each in weight.
- 7 3. ~~Cylindrical fountains~~ A cylindrical fountain, total pyrotechnic composition not to
8 exceed seventy-five grams each in weight. The inside tube diameter may not
9 exceed three-fourths inch [19.05 millimeters].
- 10 4. ~~Cone fountains~~ A cone fountain, total pyrotechnic composition not to exceed fifty
11 grams each in weight.
- 12 5. ~~Wheels~~ A wheel, total pyrotechnic composition not to exceed sixty grams in
13 weight, for each driver unit, but there may be any number of drivers on any one
14 wheel. The inside bore of ~~a driver tubes~~ tube may not be over one-half inch [12.7
15 millimeters].
- 16 6. ~~Illuminating torches and~~ An illuminating torch or a colored fire in any form, total
17 pyrotechnic composition not to exceed one hundred grams each in weight.
- 18 7. ~~Sparklers and~~ A sparkler or a dipped sticks stick, total pyrotechnic composition not
19 to exceed one hundred grams each in weight. Pyrotechnic composition containing
20 any chlorate may not exceed five grams.
- 21 8. ~~Comets and shells~~ A comet or shell, of which the mortar is an integral part, except
22 ~~those~~ a comet or shell designed to produce an audible effect, total pyrotechnic
23 composition not to exceed forty grams each in weight.
- 24 9. ~~Soft~~ A soft shell firecrackers firecracker not to exceed one and one-half inches
25 [38.1 millimeters] in length and one-fourth inch [6.35 millimeters] in diameter, total
26 pyrotechnic composition not to exceed fifty milligrams each in weight.
- 27 10. ~~Whistles~~ A whistle without report, total pyrotechnic composition not to exceed forty
28 grams each in weight.

29 **SECTION 2.** A new section to chapter 23-15 of the North Dakota Century Code is
30 created and enacted as follows:

- 1 **Sale of fireworks - New Year's Eve 2000.** Notwithstanding the date limitations
- 2 relating to the sale of fireworks under section 23-15-01, a person otherwise able to sell
- 3 fireworks under section 23-15-01 may sell fireworks during the period December 26, 1999,
- 4 through January 1, 2000.