

Substitute for SENATE BILL No. 214

By Committee on Federal and State Affairs

3-14

1 AN ACT concerning bottle rockets; amending K.S.A. 31-155 and 31-156
2 and repealing the existing sections.

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

5 Section 1. K.S.A. 31-155 is hereby amended to read as follows: 31-
6 155. (a) Except as provided in subsection (c):

7 (1) It shall be unlawful to sell, offer to sell, or to possess with intent
8 to sell or offer for sale a bottle rocket; and

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

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

14 (c) The provisions of this section shall not prohibit the possession ~~or~~
15 ~~transportation of bottle rockets by a manufacturer or wholesaler thereof for~~
16 ~~sale outside this state if such manufacturer or wholesaler is currently~~
17 ~~registered with the state fire marshal pursuant to K.S.A. 31-156,~~
18 *transportation or sale of bottle rockets within Kansas by a person that is*
19 *currently registered with the state fire marshal pursuant to K.S.A. 31-156,*
20 *and amendments thereto, to another current registered person or to a non-*
21 *registered person provided the non-registered purchaser submits a*
22 *certification for resale outside the state of Kansas to the registered seller*
23 *on a form prescribed by the state fire marshal. The registered seller shall*
24 *send the certification to the office of the state fire marshal and maintain a*
25 *copy of the certification for one year from the date of sale.*

26 (d) ~~As used in this act,~~ "Bottle rocket" means any pyrotechnic device
27 which:

28 (1) Is classified as a class C explosive by the United States
29 department of transportation under 49 C.F.R. § ~~173.100 (1977)~~ 173.53
30 (1990);

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

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

36 Sec. 2. K.S.A. 31-156 is hereby amended to read as follows: 31-156.

1 (a) Any person who manufactures bottle rockets or sells bottle rockets at
2 wholesale and who desires to possess, *sell* or transport any bottle rockets
3 in this state ~~for the purpose of selling the same outside this state pursuant~~
4 ~~to K.S.A. 31-155, and amendments thereto~~, shall register annually with the
5 state fire marshal. Such registration shall entitle the manufacturer or
6 wholesaler to possess, *sell* and transport bottle rockets in this state for the
7 purpose of selling ~~the same outside this state for a period of one year from~~
8 ~~the date of registration to another registered wholesaler or to a non-~~
9 ~~registered person provided the purchaser submits a certificate for resale~~
10 ~~outside the state of Kansas to the registered seller in accordance with~~
11 ~~K.S.A. 31-155, and amendments thereto. Registration shall be effective for~~
12 ~~one year from the date of registration.~~

13 (b) ~~The state fire marshal shall prescribe by rules and regulations the~~
14 ~~form of the registration required by subsection (a), which form shall~~
15 ~~require such information of each registrant as necessary to enforce the~~
16 ~~provisions of K.S.A. 31-155 provisions of this section shall not require~~
17 ~~registration by a purchaser when the sale occurs in Kansas and the~~
18 ~~purchaser will transport the bottle rockets out of the state of Kansas for~~
19 ~~resale and provides the registered seller with a certificate for sale outside~~
20 ~~the state in accordance with K.S.A. 31-155, and amendments thereto.~~

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

23 Sec. 3. K.S.A. 31-155 and 31-156 are hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.

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