

2 **2SSB 6080** - H COMM AMD **Adopted 3-6-02**
3 By Committee on Commerce & Labor

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 70.74.010 and 1993 c 293 s 1 are each amended to read
8 as follows:

9 As used in this chapter, unless a different meaning is plainly
10 required by the context:

11 (1) The terms "authorized", "approved" or "approval" shall be held
12 to mean authorized, approved, or approval by the department of labor
13 and industries.

14 (2) The term "blasting agent" shall be held to mean and include any
15 material or mixture consisting of a fuel and oxidizer, (~~intended for~~
16 ~~blasting, not otherwise classified as an explosive, and in which none~~
17 ~~of the ingredients are classified as an explosive, provided that the~~
18 ~~finished product, as mixed and packaged for use or shipment, cannot be~~
19 ~~detonated when unconfined by means of a No. 8 test blasting cap)) that
20 is intended for blasting and not otherwise defined as an explosive; if
21 the finished product, as mixed for use or shipment, cannot be detonated
22 by means of a number 8 test blasting cap when unconfined. A number 8
23 test blasting cap is one containing two grams of a mixture of eighty
24 percent mercury fulminate and twenty percent potassium chlorate, or a
25 blasting cap of equivalent strength. An equivalent strength cap
26 comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum
27 shell with bottom thickness not to exceed 0.03 of an inch, to a
28 specific gravity of not less than 1.4 g/cc., and primed with standard
29 weights of primer depending on the manufacturer.~~

30 (3) The term "explosive" or "explosives" whenever used in this
31 chapter, shall be held to mean and include any chemical compound or
32 mechanical mixture that is commonly used or intended for the purpose of
33 producing an explosion, that contains any oxidizing and combustible
34 units, or other ingredients, in such proportions, quantities or
35 packing, that an ignition by fire, by friction, by concussion, by
36 percussion, or by detonation of any part of the compound or mixture may

1 cause such a sudden generation of highly heated gases that the
2 resultant gaseous pressures are capable of producing destructive
3 effects on contiguous objects or of destroying life or limb. In
4 addition, the term "explosives" shall include all material which is
5 classified as (~~class A, class B, and class C~~) division 1.1, 1.2, 1.3,
6 1.4, 1.5, or 1.6 explosives by the (~~federal~~) Unites States department
7 of transportation. For the purposes of this chapter small arms
8 ammunition, small arms ammunition primers, smokeless powder not
9 exceeding fifty pounds, and black powder not exceeding five pounds
10 shall not be defined as explosives, unless possessed or used for a
11 purpose inconsistent with small arms use or other lawful purpose.

12 (4) Classification of explosives shall include but not be limited
13 to the following:

14 (a) (~~CLASS A~~) DIVISION 1.1 and 1.2 EXPLOSIVES: (~~(Possessing)~~)
15 Possess mass explosion or detonating hazard(+) and include dynamite,
16 nitroglycerin, picric acid, lead azide, fulminate of mercury, black
17 powder exceeding five pounds, blasting caps in quantities of 1001 or
18 more, and detonating primers.

19 (b) (~~CLASS B~~) DIVISION 1.3 EXPLOSIVES: (~~(Possessing)~~) Possess
20 a minor blast hazard, a minor projection hazard, or a flammable
21 hazard(+) and include propellant explosives, including smokeless
22 (~~propellants~~) powder exceeding fifty pounds.

23 (c) (~~CLASS C~~) DIVISION 1.4, 1.5, and 1.6 EXPLOSIVES:
24 (~~(Including)~~) Include certain types of manufactured articles which
25 contain (~~class A or class B~~) division 1.1, 1.2, or 1.3 explosives, or
26 (~~both~~) all, as components, but in restricted quantities(+), and
27 also include blasting caps in quantities of 1000 or less.

28 (5) The term "explosive-actuated power devices" shall be held to
29 mean any tool or special mechanized device which is actuated by
30 explosives, but not to include propellant-actuated power devices.

31 (6) The term "magazine", shall be held to mean and include any
32 building or other structure, other than (~~a factory~~) an explosives
33 manufacturing building, used for the storage of explosives.

34 (7) The term "improvised device" means a device which is fabricated
35 with explosives or destructive, lethal, noxious, pyrotechnic, or
36 incendiary chemicals and which is designed, or has the capacity, to
37 disfigure, destroy, distract, or harass.

38 (8) The term "inhabited building", shall be held to mean and
39 include only a building regularly occupied in whole or in part as a

1 habitation for human beings, or any church, schoolhouse, railroad
2 station, store, or other building where people are accustomed to
3 assemble, other than any building or structure occupied in connection
4 with the manufacture, transportation, storage, or use of explosives.

5 (9) The term "explosives manufacturing plant" shall be held to mean
6 and include all lands, with the buildings situated thereon, used in
7 connection with the manufacturing or processing of explosives or in
8 which any process involving explosives is carried on, or the storage of
9 explosives thereat, as well as any premises where explosives are used
10 as a component part or ingredient in the manufacture of any article or
11 device.

12 (10) The term "explosives manufacturing building", shall be held to
13 mean and include any building or other structure (excepting magazines)
14 containing explosives, in which the manufacture of explosives, or any
15 processing involving explosives, is carried on, and any building where
16 explosives are used as a component part or ingredient in the
17 manufacture of any article or device.

18 (11) The term "railroad" shall be held to mean and include any
19 steam, electric, or other railroad which carries passengers for hire.

20 (12) The term "highway" shall be held to mean and include any
21 public street, public alley, or public road, including a privately
22 financed, constructed, or maintained road that is regularly and openly
23 traveled by the general public.

24 (13) The term "efficient artificial barricade" shall be held to
25 mean an artificial mound or properly revetted wall of earth of a
26 minimum thickness of not less than three feet or such other artificial
27 barricade as approved by the department of labor and industries.

28 (14) The term "person" shall be held to mean and include any
29 individual, firm, (~~(co)partnership~~) partnership, corporation, company,
30 association, society, joint stock company, joint stock association, and
31 including any trustee, receiver, assignee, or personal representative
32 thereof.

33 (15) The term "dealer" shall be held to mean and include any person
34 who purchases explosives or blasting agents for the sole purpose of
35 resale, and not for use or consumption.

36 (16) The term "forbidden or not acceptable explosives" shall be
37 held to mean and include explosives which are forbidden or not
38 acceptable for transportation by common carriers by rail freight, rail

1 express, highway, or water in accordance with the regulations of the
2 federal department of transportation.

3 (17) The term "handloader" shall be held to mean and include any
4 person who engages in the noncommercial assembling of small arms
5 ammunition for his own use, specifically the operation of installing
6 new primers, powder, and projectiles into cartridge cases.

7 (18) The term "handloader components" means small arms ammunition,
8 small arms ammunition primers, smokeless powder not exceeding fifty
9 pounds, and black powder as used in muzzle loading firearms not
10 exceeding five pounds.

11 (19) The term "fuel" shall be held to mean and include a substance
12 which may react with the oxygen in the air or with the oxygen yielded
13 by an oxidizer to produce combustion.

14 (20) The term "motor vehicle" shall be held to mean and include any
15 self-propelled automobile, truck, tractor, semi-trailer or full
16 trailer, or other conveyance used for the transportation of freight.

17 (21) The term "natural barricade" shall be held to mean and include
18 any natural hill, mound, wall, or barrier composed of earth or rock or
19 other solid material of a minimum thickness of not less than three
20 feet.

21 (22) The term "oxidizer" shall be held to mean a substance that
22 yields oxygen readily to stimulate the combustion of organic matter or
23 other fuel.

24 (23) The term "propellant-actuated power device" shall be held to
25 mean and include any tool or special mechanized device or gas generator
26 system which is actuated by a propellant or which releases and directs
27 work through a propellant charge.

28 (24) The term "public conveyance" shall be held to mean and include
29 any railroad car, streetcar, ferry, cab, bus, airplane, or other
30 vehicle which is carrying passengers for hire.

31 (25) The term "public utility transmission system" shall mean power
32 transmission lines over 10 KV, telephone cables, or microwave
33 transmission systems, or buried or exposed pipelines carrying water,
34 natural gas, petroleum, or crude oil, or refined products and
35 chemicals, whose services are regulated by the utilities and
36 transportation commission, municipal, or other publicly owned systems.

37 (26) The term "purchaser" shall be held to mean any person who
38 buys, accepts, or receives any explosives or blasting agents.

1 (27) The term "pyrotechnic" shall be held to mean and include any
2 combustible or explosive compositions or manufactured articles designed
3 and prepared for the purpose of producing audible or visible effects
4 which are commonly referred to as fireworks as defined in chapter 70.77
5 RCW.

6 (28) The term "small arms ammunition" shall be held to mean and
7 include any shotgun, rifle, pistol, or revolver cartridge, and
8 cartridges for propellant-actuated power devices and industrial guns.
9 Military-type ammunition containing explosive bursting charges,
10 incendiary, tracer, spotting, or pyrotechnic projectiles is excluded
11 from this definition.

12 (29) The term "small arms ammunition primers" shall be held to mean
13 small percussion-sensitive explosive charges encased in a cup, used to
14 ignite propellant powder and shall include percussion caps as used in
15 muzzle loaders.

16 (30) The term "smokeless (~~(propellants)~~) powder" shall be held to
17 mean and include solid chemicals or solid chemical mixtures in excess
18 of fifty pounds which function by rapid combustion.

19 (31) The term "user" shall be held to mean and include any natural
20 person, manufacturer, or blaster who acquires, purchases, or uses
21 explosives as an ultimate consumer or who supervises such use.

22 Words used in the singular number shall include the plural, and the
23 plural the singular.

24 **Sec. 2.** RCW 70.74.191 and 1998 c 40 s 1 are each amended to read
25 as follows:

26 The laws contained in this chapter and regulations prescribed by
27 the department of labor and industries pursuant to this chapter shall
28 not apply to:

29 (1) Explosives or blasting agents in the course of transportation
30 by way of railroad, water, highway, or air under the jurisdiction of,
31 and in conformity with, regulations adopted by the federal department
32 of transportation, the Washington state utilities and transportation
33 commission, and the Washington state patrol;

34 (2) The laboratories of schools, colleges, and similar institutions
35 if confined to the purpose of instruction or research and if not
36 exceeding the quantity of one pound;

37 (3) Explosives in the forms prescribed by the official United
38 States Pharmacopoeia;

1 (4) The transportation, storage, and use of explosives or blasting
2 agents in the normal and emergency operations of (~~federal~~) United
3 States agencies and departments including the regular United States
4 military departments on military reservations(~~(-)~~); arsenals, navy
5 yards, depots, or other establishments owned by, operated by, or on
6 behalf of, the United States; or the duly authorized militia of any
7 state (~~(or territory,)~~); or to emergency operations of any state
8 department or agency, any police, or any municipality or county;

9 (5) A hazardous devices technician when carrying out normal and
10 emergency operations, handling evidence, and operating and maintaining
11 a specially designed emergency response vehicle that carries no more
12 than ten pounds of explosive material or when conducting training and
13 whose employer possesses the minimum safety equipment prescribed by the
14 federal bureau of investigation for hazardous devices work. For
15 purposes of this section, a hazardous devices technician is a person
16 who is a graduate of the federal bureau of investigation hazardous
17 devices school and who is employed by a state, county, or municipality;

18 (6) The importation, sale, possession, and use of fireworks as
19 defined in chapter 70.77 RCW, signaling devices, flares, fuses, and
20 torpedoes;

21 (7) The transportation, storage, and use of explosives or blasting
22 agents in the normal and emergency avalanche control procedures as
23 conducted by trained and licensed ski area operator personnel.
24 However, the storage, transportation, and use of explosives and
25 blasting agents for such use shall meet the requirements of regulations
26 adopted by the director of labor and industries; (~~and~~)

27 (8) The storage of consumer fireworks as defined in chapter 70.77
28 RCW pursuant to a forfeiture or seizure under chapter 70.77 RCW by the
29 chief of the Washington state patrol, through the director of fire
30 protection, or his or her deputy, or by state agencies or local
31 governments having general law enforcement authority; and

32 (9) Any violation under this chapter if any existing ordinance of
33 any city, municipality, or county is more stringent than this chapter.

34 **Sec. 3.** RCW 70.74.400 and 1993 c 293 s 8 are each amended to read
35 as follows:

36 (1) Explosives, improvised devices, and components of explosives
37 and improvised devices that are possessed, manufactured, delivered,
38 imported, exported, stored, sold, purchased, transported, abandoned,

1 detonated, or used, or intended to be used, in violation of a provision
2 of this chapter are subject to seizure and forfeiture by a law
3 enforcement agency and no property right exists in them.

4 (2) The law enforcement agency making the seizure shall notify the
5 Washington state department of labor and industries of the seizure.

6 (3) Seizure of explosives, improvised devices, and components of
7 explosives and improvised devices under subsection (1) of this section
8 may be made if:

9 (a) The seizure is incident to arrest or a search under a search
10 warrant;

11 (b) The explosives, improvised devices, or components have been the
12 subject of a prior judgment in favor of the state in an injunction or
13 forfeiture proceeding based upon this chapter;

14 (c) A law enforcement officer has probable cause to believe that
15 the explosives, improvised devices, or components are directly or
16 indirectly dangerous to health or safety; or

17 (d) The law enforcement officer has probable cause to believe that
18 the explosives, improvised devices, or components were used or were
19 intended to be used in violation of this chapter.

20 ~~((+3))~~ (4) A law enforcement agency shall destroy explosives
21 seized under this chapter when it is necessary to protect the public
22 safety and welfare. When destruction is not necessary to protect the
23 public safety and welfare, and the explosives are not being held for
24 evidence, a seizure pursuant to this section commences proceedings for
25 forfeiture.

26 ~~((+4))~~ (5) The law enforcement agency under whose authority the
27 seizure was made shall issue a written notice of the seizure and
28 commencement of the forfeiture proceedings to the person from whom the
29 explosives were seized, to any known owner of the explosives, and to
30 any person who has a known interest in the explosives. The notice
31 shall be issued within fifteen days of the seizure. The notice of
32 seizure and commencement of the forfeiture proceedings shall be served
33 in the same manner as provided in RCW 4.28.080 for service of a
34 summons. The law enforcement agency shall provide a form by which the
35 person or persons may request a hearing before the law enforcement
36 agency to contest the seizure.

37 ~~((+5))~~ (6) If no person notifies the seizing law enforcement
38 agency in writing of the person's claim of ownership or right to
39 possession of the explosives, improvised devices, or components within

1 thirty days of the date the notice was issued, the seized explosives,
2 devices, or components shall be deemed forfeited.

3 ~~((+6))~~ (7) If, within thirty days of the issuance of the notice,
4 any person notifies the seizing law enforcement agency in writing of
5 the person's claim of ownership or right to possession of items seized,
6 the person or persons shall be afforded a reasonable opportunity to be
7 heard as to the claim or right. The hearing shall be before the chief
8 law enforcement or the officer's designee of the seizing agency, except
9 that the person asserting the claim or right may remove the matter to
10 a court of competent jurisdiction if the aggregate value of the items
11 seized is more than five hundred dollars. The hearing and any appeal
12 shall be conducted according to chapter 34.05 RCW. The seizing law
13 enforcement agency shall bear the burden of proving that the person (a)
14 has no lawful right of ownership or possession and (b) that the items
15 seized were possessed, manufactured, stored, sold, purchased,
16 transported, abandoned, detonated, or used in violation of a provision
17 of this chapter with the person's knowledge or consent.

18 ~~((+7))~~ (8) The seizing law enforcement agency shall promptly
19 return the items seized to the claimant upon a determination that the
20 claimant is entitled to possession of the items seized.

21 ~~((+8))~~ (9) If the items seized are forfeited under this statute,
22 the seizing agency shall ~~((destroy))~~ dispose of the explosives by
23 summary destruction. However, when explosives are destroyed either to
24 protect public safety or because the explosives were forfeited, the
25 person from whom the explosives were seized loses all rights of action
26 against the law enforcement agency or its employees acting within the
27 scope of their employment, or other governmental entity or employee
28 involved with the seizure and destruction of explosives.

29 ~~((+9))~~ (10) This section is not intended to change the seizure and
30 forfeiture powers, enforcement, and penalties available to the
31 department of labor and industries pursuant to chapter 49.17 RCW as
32 provided in RCW 70.74.390.

33 **Sec. 4.** RCW 70.77.126 and 1995 c 61 s 3 are each amended to read
34 as follows:

35 "Fireworks" means any composition or device ~~((, in a finished state,~~
36 ~~containing any combustible or explosive substance for the purpose of~~
37 ~~producing))~~ designed to produce a visible or audible effect by
38 combustion ~~((, explosion)),~~ deflagration, or detonation, and

1 (~~((classified as common))~~) which meets the definition of articles
2 pyrotechnic or consumer fireworks or (~~((special))~~) display fireworks ((by
3 the United States bureau of explosives or contained in the regulations
4 of the United States department of transportation and designated as
5 U.N. 0335 1.3G or U.N. 0336 1.4G as of April 17, 1995)).

6 **Sec. 5.** RCW 70.77.131 and 1995 c 61 s 4 are each amended to read
7 as follows:

8 "~~((Special))~~ Display fireworks" means ~~((any fireworks designed~~
9 ~~primarily for exhibition display by producing visible or audible~~
10 ~~effects and classified as such by the United States bureau of~~
11 ~~explosives or in the regulations of the United States department of~~
12 ~~transportation and designated as U.N. 0335 1.3G as of April 17, 1995))~~
13 large fireworks designed primarily to produce visible or audible
14 effects by combustion, deflagration, or detonation and includes, but is
15 not limited to, salutes containing more than 2 grains (130 mg) of
16 explosive materials, aerial shells containing more than 40 grams of
17 pyrotechnic compositions, and other display pieces which exceed the
18 limits of explosive materials for classification as "consumer
19 fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by
20 the United States department of transportation at 49 C.F.R. Sec.
21 172.101 as of the effective date of this section, and including fused
22 setpieces containing components which exceed 50 mg of salute powder.

23 **Sec. 6.** RCW 70.77.136 and 1995 c 61 s 5 are each amended to read
24 as follows:

25 "~~((Common))~~ Consumer fireworks" means ~~((any fireworks which are~~
26 ~~designed primarily for retail sale to the public during prescribed~~
27 ~~dates and which produce visual or audible effects through combustion~~
28 ~~and are classified as common fireworks by the United States bureau of~~
29 ~~explosives or in the regulations of the United States department of~~
30 ~~transportation and designated as U.N. 0336 1.4G as of April 17, 1995))~~
31 any small firework device designed to produce visible effects by
32 combustion and which must comply with the construction, chemical
33 composition, and labeling regulations of the United States consumer
34 product safety commission, as set forth in 16 C.F.R. Parts 1500 and
35 1507 and including some small devices designed to produce audible
36 effects, such as whistling devices, ground devices containing 50 mg or
37 less of explosive materials, and aerial devices containing 130 mg or

1 less of explosive materials and classified as fireworks UN0336 by the
2 United States department of transportation at 49 C.F.R. Sec. 172.101 as
3 of the effective date of this section, and not including fused
4 setpieces containing components which together exceed 50 mg of salute
5 powder.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.77 RCW
7 to read as follows:

8 "Articles pyrotechnic" means pyrotechnic devices for professional
9 use similar to consumer fireworks in chemical composition and
10 construction but not intended for consumer use which meet the weight
11 limits for consumer fireworks but which are not labeled as such and
12 which are classified as UN0431 or UN0432 by the United States
13 department of transportation at 49 C.F.R. Sec. 172.101 as of the
14 effective date of this section.

15 **Sec. 8.** RCW 70.77.141 and 1982 c 230 s 4 are each amended to read
16 as follows:

17 "Agricultural and wildlife fireworks" includes fireworks devices
18 distributed to farmers, ranchers, and growers through a wildlife
19 management program administered by the United States department of the
20 interior or an equivalent state or local governmental agency.

21 **Sec. 9.** RCW 70.77.160 and 1997 c 182 s 1 are each amended to read
22 as follows:

23 "Public display of fireworks" means an entertainment feature where
24 the public is or could be admitted or allowed to view the display or
25 discharge of (~~special~~) display fireworks.

26 **Sec. 10.** RCW 70.77.170 and 1995 c 369 s 44 are each amended to
27 read as follows:

28 "License" means a nontransferable formal authorization which the
29 chief of the Washington state patrol (~~and~~), through the director of
30 fire protection (~~are permitted~~), is authorized to issue under this
31 chapter to allow a person to engage in the act specifically designated
32 therein.

33 **Sec. 11.** RCW 70.77.175 and 1961 c 228 s 12 are each amended to
34 read as follows:

1 "Licensee" means any person (~~(holding)~~) issued a fireworks license
2 in conformance with this chapter.

3 **Sec. 12.** RCW 70.77.180 and 1995 c 61 s 9 are each amended to read
4 as follows:

5 "Permit" means the official (~~(permission)~~) authorization granted by
6 a (~~(local public agency)~~) city or county for the purpose of
7 establishing and maintaining a place within the jurisdiction of the
8 (~~(local agency)~~) city or county where fireworks are manufactured,
9 constructed, produced, packaged, stored, sold, or exchanged and the
10 official (~~(permission)~~) authorization granted by a (~~(local agency)~~)
11 city or county for a public display of fireworks.

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.77 RCW
13 to read as follows:

14 "Permittee" means any person issued a fireworks permit in
15 conformance with this chapter.

16 **Sec. 14.** RCW 70.77.205 and 1995 c 61 s 11 are each amended to read
17 as follows:

18 "Manufacturer" includes any person who manufactures, makes,
19 constructs, fabricates, or produces any fireworks article or device but
20 does not include persons who assemble or fabricate sets or mechanical
21 pieces in public displays of fireworks or persons who assemble
22 (~~(common)~~) consumer fireworks items or sets or packages containing
23 (~~(common)~~) consumer fireworks items.

24 **Sec. 15.** RCW 70.77.210 and 1982 c 230 s 9 are each amended to read
25 as follows:

26 "Wholesaler" includes any person who sells fireworks to a retailer
27 or any other person for resale and any person who sells (~~(special)~~)
28 display fireworks to public display licensees.

29 **Sec. 16.** RCW 70.77.215 and 1982 c 230 s 10 are each amended to
30 read as follows:

31 "Retailer" includes any person who, at a fixed location or place of
32 business, offers for sale, sells(~~(, transfers, or gives common)~~), or
33 exchanges for consideration consumer fireworks to a consumer or user.

1 **Sec. 17.** RCW 70.77.230 and 1982 c 230 s 11 are each amended to
2 read as follows:

3 "Pyrotechnic operator" includes any individual who by experience
4 and training has demonstrated the required skill and ability for safely
5 setting up and discharging (~~((public displays of special))~~) display
6 fireworks.

7 **Sec. 18.** RCW 70.77.236 and 1997 c 182 s 4 are each amended to read
8 as follows:

9 (1) "New fireworks item" means any fireworks initially classified
10 or reclassified as (~~((special or common))~~) articles pyrotechnic, display
11 fireworks, or consumer fireworks by ((the United States bureau of
12 explosives or in the regulations of)) the United States department of
13 transportation after ((April 17, 1995)) the effective date of this
14 section, and which comply with the construction, chemical composition,
15 and labeling regulations of the United States consumer products safety
16 commission, 16 C.F.R., Parts 1500 and 1507.

17 (2) The chief of the Washington state patrol, through the director
18 of fire protection, shall classify any new fireworks item in the same
19 manner as the item is classified by (~~((the United States bureau of~~
20 ~~explosives or in the regulations of))~~) the United States department of
21 transportation(~~(, unless))~~) and the United States consumer product
22 safety commission. The chief of the Washington state patrol, through
23 the director of fire protection, may determine(~~((s))~~), stating reasonable
24 grounds, that the item should not be so classified.

25 **Sec. 19.** RCW 70.77.250 and 1997 c 182 s 5 are each amended to read
26 as follows:

27 (1) The chief of the Washington state patrol, through the director
28 of fire protection, shall enforce and administer this chapter.

29 (2) The chief of the Washington state patrol, through the director
30 of fire protection, shall appoint such deputies and employees as may be
31 necessary and required to carry out the provisions of this chapter.

32 (3) The chief of the Washington state patrol, through the director
33 of fire protection, shall adopt those rules relating to fireworks as
34 are necessary for the implementation of this chapter.

35 (4) The chief of the Washington state patrol, through the director
36 of fire protection, shall adopt those rules as are necessary to ensure
37 statewide minimum standards for the enforcement of this chapter.

1 Counties(~~(7)~~) and cities(~~(7, and towns)~~) shall comply with these state
2 rules. Any (~~local rules~~) ordinances adopted by (~~local authorities~~)
3 a county or city that are more restrictive than state law shall have an
4 effective date no sooner than one year after their adoption.

5 (5) The chief of the Washington state patrol, through the director
6 of fire protection, may exercise the necessary police powers to enforce
7 the criminal provisions of this chapter. This grant of police powers
8 does not prevent any other state agency and city, county, or local
9 government agency having general law enforcement powers from enforcing
10 this chapter within the jurisdiction of the agency and city, county, or
11 local government.

12 (6) The chief of the Washington state patrol, through the director
13 of fire protection, shall adopt rules necessary to enforce the civil
14 penalty provisions for the violations of this chapter. A civil penalty
15 under this subsection may not exceed one thousand dollars per day for
16 each violation and is subject to the procedural requirements under
17 section 20 of this act.

18 (7) The chief of the Washington state patrol, through the director
19 of fire protection, may investigate or cause to be investigated all
20 fires resulting, or suspected of resulting, from the use of fireworks.

21 NEW SECTION. Sec. 20. A new section is added to chapter 70.77 RCW
22 to read as follows:

23 (1) The penalty provided for in RCW 70.77.250(6) shall be imposed
24 by a notice in writing to the person against whom the civil fine is
25 assessed and shall describe the violation with reasonable
26 particularity. The notice shall be personally served in the manner of
27 service of a summons in a civil action or in a manner which shows proof
28 of receipt. Any penalty imposed by RCW 70.77.250(6) shall become due
29 and payable twenty-eight days after receipt of notice unless
30 application for remission or mitigation is made as provided in
31 subsection (2) of this section or unless application for an
32 adjudicative proceeding is filed as provided in subsection (3) of this
33 section.

34 (2) Within fourteen days after the notice is received, the person
35 incurring the penalty may apply in writing to the chief of the
36 Washington state patrol, through the director of fire protection, for
37 the remission or mitigation of the penalty. Upon receipt of the
38 application, the chief of the Washington state patrol, through the

1 director of fire protection, may remit or mitigate the penalty upon
2 whatever terms the chief of the Washington state patrol, through the
3 director of fire protection, deems proper, giving consideration to the
4 degree of hazard associated with the violation. The chief of the
5 Washington state patrol, through the director of fire protection, may
6 only grant a remission or mitigation that it deems to be in the best
7 interests of carrying out the purposes of this chapter. The chief of
8 the Washington state patrol, through the director of fire protection,
9 may ascertain the facts regarding all such applications in a manner it
10 deems proper. When an application for remission or mitigation is made,
11 any penalty incurred under RCW 70.77.250(6) becomes due and payable
12 twenty-eight days after receipt of the notice setting forth the
13 disposition of the application, unless an application for an
14 adjudicative proceeding to contest the disposition is filed as provided
15 in subsection (3) of this section.

16 (3) Within twenty-eight days after notice is received, the person
17 incurring the penalty may file an application for an adjudicative
18 proceeding and may pursue subsequent review as provided in chapter
19 34.05 RCW and applicable rules of the chief of the Washington state
20 patrol, through the director of fire protection.

21 (4) Any penalty imposed by final order following an adjudicative
22 proceeding becomes due and payable upon service of the final order.

23 (5) The attorney general may bring an action in the name of the
24 chief of the Washington state patrol, through the director of fire
25 protection, in the superior court of Thurston county or of any county
26 in which the violator may do business to collect any penalty imposed
27 under this chapter.

28 (6) All penalties imposed under this section shall be paid to the
29 state treasury and credited to the fire services trust fund and used as
30 follows: At least fifty percent is for a statewide public education
31 campaign developed by the chief of the Washington state patrol, through
32 the director of fire protection, and the licensed fireworks industry
33 emphasizing the safe and responsible use of legal fireworks; and the
34 remainder is for statewide efforts to enforce this chapter.

35 **Sec. 21.** RCW 70.77.255 and 1997 c 182 s 6 are each amended to read
36 as follows:

1 (1) Except as otherwise provided in this chapter, no person,
2 without appropriate state licenses and city or county permits as
3 required by this chapter may:

4 (a) Manufacture, import, possess, or sell any fireworks at
5 wholesale or retail for any use;

6 (b) Make a public display of fireworks;

7 (c) Transport fireworks, except as a licensee or as a public
8 carrier delivering to a licensee; or

9 (d) Knowingly manufacture, import, transport, store, sell, or
10 possess with intent to sell, as fireworks, explosives, as defined under
11 RCW 70.74.010, that are not fireworks, as defined under this chapter.

12 (2) Except as authorized by a license and permit under subsection
13 (1)(b) of this section or as provided in RCW 70.77.311, no person may
14 discharge (~~special~~) display fireworks at any place.

15 (3) No person less than eighteen years of age may apply for or
16 receive a license or permit under this chapter.

17 (4) No license or permit is required for the possession or use of
18 (~~common~~) consumer fireworks lawfully purchased at retail.

19 **Sec. 22.** RCW 70.77.270 and 1997 c 182 s 8 are each amended to read
20 as follows:

21 (1) The governing body of a city or county, or a designee, shall
22 grant an application for a permit under RCW 70.77.260(1) if the
23 application meets the standards under this chapter, and the applicable
24 ordinances of the city or county. The permit shall be granted by June
25 10, or no less than thirty days after receipt of an application
26 whichever date occurs first, for sales commencing on June 28 and on
27 December 27; or by December 10, or no less than thirty days after
28 receipt of an application whichever date occurs first, for sales
29 commencing only on December 27.

30 (2) The chief of the Washington state patrol, through the director
31 of fire protection, shall prescribe uniform, statewide standards for
32 retail fireworks stands including, but not limited to, the location of
33 the stands, setback requirements and siting of the stands, types of
34 buildings and construction material that may be used for the stands,
35 use of the stands and areas around the stands, cleanup of the area
36 around the stands, transportation of fireworks to and from the stands,
37 and temporary storage of fireworks associated with the retail fireworks

1 stands. All cities and counties which allow retail fireworks sales
2 shall comply with these standards.

3 (3) No retail fireworks permit may be issued to any applicant
4 unless the retail fireworks stand is covered by a liability insurance
5 policy with coverage of not less than fifty thousand dollars and five
6 hundred thousand dollars for bodily injury liability for each person
7 and occurrence, respectively, and not less than fifty thousand dollars
8 for property damage liability for each occurrence, unless such
9 insurance is not readily available from at least three approved
10 insurance companies. If insurance in this amount is not offered, each
11 fireworks permit shall be covered by a liability insurance policy in
12 the maximum amount offered by at least three different approved
13 insurance companies.

14 No wholesaler may knowingly sell or supply fireworks to any retail
15 fireworks (~~(stand)~~) licensee unless the wholesaler determines that the
16 retail fireworks (~~(stand)~~) licensee is covered by liability insurance
17 in the same, or greater, amount as provided in this subsection.

18 **Sec. 23.** RCW 70.77.305 and 1995 c 369 s 46 are each amended to
19 read as follows:

20 The chief of the Washington state patrol, through the director of
21 fire protection, has the power to issue licenses for the manufacture,
22 importation, sale, and use of all fireworks in this state, except as
23 provided in RCW 70.77.311 and 70.77.395. A person may be licensed as
24 a manufacturer, importer, or wholesaler under this chapter only if the
25 person has a designated agent in this state who is registered with the
26 chief of the Washington state patrol, through the director of fire
27 protection.

28 **Sec. 24.** RCW 70.77.311 and 1995 c 61 s 17 are each amended to read
29 as follows:

30 (1) No license is required for the purchase of agricultural and
31 wildlife fireworks by government agencies if:

32 (a) The agricultural and wildlife fireworks are used for wildlife
33 control or are distributed to farmers, ranchers, or growers through a
34 wildlife management program administered by the United States
35 department of the interior or an equivalent state or local governmental
36 agency;

1 (b) The distribution is in response to a written application
2 describing the wildlife management problem that requires use of the
3 devices;

4 (c) It is of no greater quantity than necessary to control the
5 described problem; and

6 (d) It is limited to situations where other means of control are
7 unavailable or inadequate.

8 (2) No license is required for religious organizations or private
9 organizations or persons to purchase or use ~~((common))~~ consumer
10 fireworks and such audible ground devices as firecrackers, salutes, and
11 chasers if:

12 (a) Purchased from a licensed manufacturer, importer, or
13 wholesaler;

14 (b) For use on prescribed dates and locations;

15 (c) For religious or specific purposes; and

16 (d) A permit is obtained from the local fire official. No fee may
17 be charged for this permit.

18 **Sec. 25.** RCW 70.77.315 and 1997 c 182 s 10 are each amended to
19 read as follows:

20 Any person who desires to engage in the manufacture, importation,
21 sale, or use of fireworks, except use as provided in RCW 70.77.255(4)
22 ~~((and))~~, 70.77.311, and 70.77.395, shall make a written application to
23 the chief of the Washington state patrol, through the director of fire
24 protection, on forms provided by him or her. Such application shall be
25 accompanied by the annual license fee as prescribed in this chapter.

26 **Sec. 26.** RCW 70.77.330 and 1995 c 369 s 48 are each amended to
27 read as follows:

28 If the chief of the Washington state patrol, through the director
29 of fire protection, finds that the granting of such license ~~((would))~~
30 is not ~~((be))~~ contrary to public safety or welfare, he or she shall
31 issue a license authorizing the applicant to engage in the particular
32 act or acts upon the payment of the license fee specified in this
33 chapter. Licensees may transport the class of fireworks for which they
34 hold a valid license.

35 **Sec. 27.** RCW 70.77.335 and 1982 c 230 s 23 are each amended to
36 read as follows:

1 The authorization to engage in the particular act or acts conferred
2 by a license to a person shall extend to (~~salesmen~~) sellers,
3 authorized representatives, and other employees of such person.

4 **Sec. 28.** RCW 70.77.340 and 1982 c 230 s 24 are each amended to
5 read as follows:

6 The original and annual license fee shall be as follows:

7	Manufacturer	\$	500.00
8	Importer		100.00
9	Wholesaler		1,000.00
10	Retailer (for each separate retail outlet)		10.00
11	Public display for (special) <u>display</u>		
12	fireworks		10.00
13	Pyrotechnic operator for (special) <u>display</u>		
14	fireworks		5.00

15 **Sec. 29.** RCW 70.77.343 and 1997 c 182 s 12 are each amended to
16 read as follows:

17 (1) License fees, in addition to the fees in RCW 70.77.340, shall
18 be charged as follows:

19	Manufacturer	\$	1,500.00
20	Importer		900.00
21	Wholesaler		1,000.00
22	Retailer (for each separate outlet)		30.00
23	Public display for (special) <u>display</u>		
24	fireworks		40.00
25	Pyrotechnic operator for (special) <u>display</u>		
26	fireworks		5.00

27 (2) All receipts from the license fees in this section shall be
28 placed in the fire services trust fund and at least seventy-five
29 percent of these receipts shall be used to fund a statewide public
30 education campaign developed by the chief of the Washington state
31 patrol and the licensed fireworks industry emphasizing the safe and
32 responsible use of legal fireworks and the remaining receipts shall be
33 used to fund statewide enforcement efforts against the sale and use of
34 fireworks that are illegal under this chapter.

1 **Sec. 30.** RCW 70.77.381 and 1995 c 61 s 27 are each amended to read
2 as follows:

3 (1) Every wholesaler shall carry liability insurance for each
4 wholesale and retail fireworks outlet it operates in the amount of not
5 less than fifty thousand dollars and five hundred thousand dollars for
6 bodily injury liability for each person and occurrence, respectively,
7 and not less than fifty thousand dollars for property damage liability
8 for each occurrence, unless such insurance is not available from at
9 least three approved insurance companies. If insurance in this amount
10 is not offered, each wholesale and retail outlet shall be covered by a
11 liability insurance policy in the maximum amount offered by at least
12 three different approved insurance companies.

13 (2) No wholesaler may knowingly sell or supply fireworks to any
14 retail (~~outlet~~) licensee unless the wholesaler determines that the
15 retail (~~outlet~~) licensee carries liability insurance in the same, or
16 greater, amount as provided in subsection (1) of this section.

17 **Sec. 31.** RCW 70.77.395 and 1995 c 61 s 22 are each amended to read
18 as follows:

19 (1) It is legal to sell(~~ing~~) and purchase(~~ing, use, and discharge~~
20 ~~common~~) consumer fireworks within this state from twelve o'clock noon
21 to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock
22 a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June
23 through the fourth of July, from nine o'clock a.m. to (~~twelve~~) nine
24 o'clock (~~noon~~) p.m. on the (~~sixth~~) fifth of July (~~of each year~~),
25 from twelve o'clock noon to eleven o'clock p.m. on each day from the
26 twenty-seventh of December through the thirty-first of December of each
27 year, and as provided in RCW 70.77.311. (~~However, no common~~)

28 (2) Consumer fireworks may be (~~sold~~) used or discharged each day
29 between the hours of twelve o'clock noon and eleven o'clock p.m. (~~and~~
30 nine o'clock a.m.) on the twenty-eighth of June and between the hours
31 of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of
32 June to the third of July, (~~except~~) and on July 4th (~~from~~) between
33 the hours of nine o'clock a.m. (~~through~~) and twelve o'clock midnight,
34 and between the hours of nine o'clock a.m. and eleven o'clock p.m. on
35 July 5th, and (~~except~~) from six o'clock p.m. on December 31st until
36 one o'clock a.m. on January 1st of the subsequent year(~~:- PROVIDED,~~
37 That a city or county may prohibit the sale or discharge of common
38 fireworks on December 31, 1995, by enacting an ordinance prohibiting

1 ~~such sale or discharge within sixty days of April 17, 1995)), and as~~
2 provided in RCW 70.77.311.

3 (3) A city or county may enact an ordinance within sixty days of
4 the effective date of this act to limit or prohibit the sale, purchase,
5 possession, or use of consumer fireworks on December 27, 2002, through
6 December 31, 2002, and thereafter as provided in RCW 70.77.250(4).

7 **Sec. 32.** RCW 70.77.401 and 1995 c 61 s 7 are each amended to read
8 as follows:

9 No fireworks may be sold or offered for sale to the public as
10 ~~((common))~~ consumer fireworks which are classified as sky rockets, or
11 missile-type rockets, firecrackers, salutes, or chasers as defined by
12 the United States department of transportation and the federal consumer
13 products safety commission except as provided in RCW 70.77.311.

14 **Sec. 33.** RCW 70.77.405 and 1982 c 230 s 32 are each amended to
15 read as follows:

16 Toy paper caps containing not more than twenty-five hundredths
17 grain of explosive compound for each cap and trick or novelty devices
18 not classified as ~~((common))~~ consumer fireworks may be sold at all
19 times unless prohibited by local ordinance.

20 NEW SECTION. **Sec. 34.** A new section is added to chapter 70.77 RCW
21 to read as follows:

22 (1) "Permanent storage" means storage of display fireworks at any
23 time and/or storage of consumer fireworks at any time other than the
24 periods allowed under RCW 70.77.420(2) and 70.77.425 and which shall be
25 in compliance with the requirements of chapter 70.74 RCW.

26 (2) "Temporary storage" means the storage of consumer fireworks
27 during the periods allowed under RCW 70.77.420(2) and 70.77.425.

28 **Sec. 35.** RCW 70.77.420 and 1997 c 182 s 18 are each amended to
29 read as follows:

30 (1) It is unlawful for any person to store permanently fireworks of
31 any class without a permit for such permanent storage from the city or
32 county in which the storage is to be made. A person proposing to store
33 permanently fireworks shall apply in writing to a city or county at
34 least ten days prior to the date of the proposed permanent storage.
35 The city or county receiving the application for a permanent storage

1 permit shall investigate whether the character and location of the
2 permanent storage as proposed (~~would~~) meets the requirements of the
3 zoning, building, and fire codes or constitutes a hazard to property or
4 (~~be~~) is dangerous to any person. Based on the investigation, the
5 city or county may grant or deny the application. The city or county
6 may place reasonable conditions on any permit granted.

7 (2) For the purposes of this section the temporary storing or
8 keeping of (~~common~~) consumer fireworks when in conjunction with a
9 valid retail sales license and permit shall comply with RCW 70.77.425
10 and the standards adopted under RCW 70.77.270(2) and not this section.

11 **Sec. 36.** RCW 70.77.425 and 1984 c 249 s 27 are each amended to
12 read as follows:

13 It is unlawful for any person to store (~~unsold~~) permanently
14 stocks of fireworks remaining unsold after the lawful period of sale as
15 provided in the person's permit except in such places of permanent
16 storage as the (~~local fire official~~) city or county issuing the
17 permit approves. Unsold stocks of (~~common~~) consumer fireworks
18 remaining after the authorized retail sales period from (~~twelve~~) nine
19 o'clock (~~noon~~) a.m. on June 28th to twelve o'clock noon on July
20 (~~6th~~) 5th shall be returned on or before July 31st of the same year,
21 or remaining after the authorized retail sales period from twelve
22 o'clock noon on December 27th to eleven o'clock p.m. on December 31st
23 shall be returned on or before January 10th of the subsequent year, to
24 the approved permanent storage facilities of a licensed fireworks
25 wholesaler(~~or~~) or to a magazine or permanent storage place approved by
26 a local fire official.

27 **Sec. 37.** RCW 70.77.435 and 1997 c 182 s 20 are each amended to
28 read as follows:

29 Any fireworks which are illegally sold, offered for sale, used,
30 discharged, possessed, or transported in violation of the provisions of
31 this chapter or the rules or regulations of the chief of the Washington
32 state patrol, through the director of fire protection, (~~shall be~~) are
33 subject to seizure by the chief of the Washington state patrol, through
34 the director of fire protection, or his or her deputy, or by state
35 agencies or local governments having general law enforcement authority.
36 (~~Any fireworks seized by legal process anywhere in the state may be~~
37 ~~disposed of by the chief of the Washington state patrol, through the~~

1 ~~director of fire protection, or the agency conducting the seizure, by~~
2 ~~summary destruction at any time subsequent to thirty days from such~~
3 ~~seizure or ten days from the final termination of proceedings under the~~
4 ~~provisions of RCW 70.77.440, whichever is later.))~~

5 **Sec. 38.** RCW 70.77.440 and 1997 c 182 s 21 are each amended to
6 read as follows:

7 (1) In the event of seizure under RCW 70.77.435, proceedings for
8 forfeiture shall be deemed commenced by the seizure. The chief of the
9 Washington state patrol or a designee, through the director of fire
10 protection or the agency conducting the seizure, under whose authority
11 the seizure was made shall cause notice to be served within fifteen
12 days following the seizure on the owner of the fireworks seized and the
13 person in charge thereof and any person having any known right or
14 interest therein, of the seizure and intended forfeiture of the seized
15 property. The notice may be served by any method authorized by law or
16 court rule including but not limited to service by certified mail with
17 return receipt requested. Service by mail shall be deemed complete
18 upon mailing within the fifteen-day period following the seizure.

19 (2) If no person notifies the chief of the Washington state patrol,
20 through the director of fire protection or the agency conducting the
21 seizure, in writing of the person's claim of lawful ownership or right
22 to lawful possession of seized fireworks within thirty days of the
23 seizure, the seized fireworks shall be deemed forfeited.

24 (3) If any person notifies the chief of the Washington state
25 patrol, through the director of fire protection or the agency
26 conducting the seizure, in writing of the person's claim of lawful
27 ownership or possession of the fireworks within thirty days of the
28 seizure, the person or persons shall be afforded a reasonable
29 opportunity to be heard as to the claim or right. The hearing shall be
30 before an administrative law judge appointed under chapter 34.12 RCW,
31 except that any person asserting a claim or right may remove the matter
32 to a court of competent jurisdiction if the aggregate value of the
33 seized fireworks is more than five hundred dollars. The hearing before
34 an administrative law judge and any appeal therefrom shall be under
35 Title 34 RCW. In a court hearing between two or more claimants to the
36 article or articles involved, the prevailing party shall be entitled to
37 a judgment for costs and reasonable attorneys' fees. The burden of
38 producing evidence shall be upon the person claiming to have the lawful

1 right to possession of the seized fireworks. The chief of the
2 Washington state patrol, through the director of fire protection or the
3 agency conducting the seizure, shall promptly return the fireworks to
4 the claimant upon a determination by the administrative law judge or
5 court that the claimant is lawfully entitled to possession of the
6 fireworks.

7 (4) When fireworks are forfeited under this chapter the chief of
8 the Washington state patrol, through the director of fire protection or
9 the agency conducting the seizure, may:

10 (a) Dispose of the fireworks by summary destruction at any time
11 subsequent to thirty days from such seizure or ten days from the final
12 termination of proceedings under this section, whichever is later; or

13 (b) Sell the forfeited fireworks and chemicals used to make
14 fireworks, that are legal for use and possession under this chapter, to
15 wholesalers or manufacturers, authorized to possess and use such
16 fireworks or chemicals under a license issued by the chief of the
17 Washington state patrol, through the director of fire protection. Sale
18 shall be by public auction after publishing a notice of the date,
19 place, and time of the auction in a newspaper of general circulation in
20 the county in which the auction is to be held, at least three days
21 before the date of the auction. The proceeds of the sale of the seized
22 fireworks under this section may be retained by the agency conducting
23 the seizure and used to offset the costs of seizure and/or storage
24 costs of the seized fireworks. The remaining proceeds, if any, shall
25 be deposited in the fire services trust fund and shall be used (~~for~~
26 ~~the same purposes and in the same percentages as specified in RCW~~
27 ~~70.77.343)) as follows: At least fifty percent is for a statewide
28 public education campaign developed by the chief of the Washington
29 state patrol, through the director of fire protection, and the licensed
30 fireworks industry emphasizing the safe and responsible use of legal
31 fireworks; and the remainder is for statewide efforts to enforce this
32 chapter.~~

33 **Sec. 39.** RCW 70.77.495 and 1988 c 128 s 11 are each amended to
34 read as follows:

35 (~~Nothing in this chapter shall be construed as permitting~~) It is
36 unlawful for any person to set off fireworks of any kind in forest,
37 fallows, grass or brush covered land, either on his own land or the
38 property of another, between April 15th and December 1st of any year,

1 unless it is done under a written permit from the Washington state
2 department of natural resources or its duly authorized agent, and in
3 strict accordance with the terms of the permit and any other applicable
4 law.

5 **Sec. 40.** RCW 70.77.510 and 1984 c 249 s 31 are each amended to
6 read as follows:

7 It is unlawful for any person knowingly to sell, transfer, or agree
8 to sell or transfer any (~~special~~) display fireworks to any person who
9 is not a fireworks licensee as provided for by this chapter. A
10 violation of this section is a gross misdemeanor.

11 **Sec. 41.** RCW 70.77.515 and 1984 c 249 s 32 are each amended to
12 read as follows:

13 (1) It is unlawful for any person to offer for sale, sell ((or
14 transfer)), or exchange for consideration, any ((common)) consumer
15 fireworks to a consumer or user other than at a fixed place of business
16 of a retailer for which a license and permit have been issued.

17 (2) No licensee may sell any fireworks to any person under the age
18 of sixteen.

19 (3) A violation of this section is a gross misdemeanor.

20 **Sec. 42.** RCW 70.77.517 and 1984 c 249 s 34 are each amended to
21 read as follows:

22 It is unlawful for any person, except in the course of continuous
23 interstate transportation through any state, to transport fireworks
24 from this state into any other state, or deliver them for
25 transportation into any other state, or attempt so to do, knowing that
26 such fireworks are to be delivered, possessed, stored, transshipped,
27 distributed, sold, or otherwise dealt with in a manner or for a use
28 prohibited by the laws of such other state specifically prohibiting or
29 regulating the use of fireworks. A violation of this section is a
30 gross misdemeanor.

31 This section does not apply to a common or contract carrier or to
32 international or domestic water carriers engaged in interstate commerce
33 or to the transportation of fireworks into a state for the use of
34 (~~federal~~) United States agencies in the carrying out or the
35 furtherance of their operations.

1 In the enforcement of this section, the definitions of fireworks
2 contained in the laws of the respective states shall be applied.

3 As used in this section, the term "state" includes the several
4 states, territories, and possessions of the United States, and the
5 District of Columbia.

6 **Sec. 43.** RCW 70.77.520 and 1984 c 249 s 33 are each amended to
7 read as follows:

8 It is unlawful for any person to allow any (~~rubbish~~) combustibles
9 to accumulate in any premises in which fireworks are stored or sold or
10 to permit a fire nuisance to exist in such a premises. A violation of
11 this section is a misdemeanor.

12 **Sec. 44.** RCW 70.77.535 and 1994 c 133 s 14 are each amended to
13 read as follows:

14 (~~This chapter does not prohibit~~) The assembling, compounding,
15 use, and display of articles pyrotechnic or special effects (~~by any~~
16 ~~person engaged~~) in the production of motion pictures, radio or
17 television productions, or live entertainment (~~when such use and~~
18 ~~display is an integral part of the production and such person~~) shall
19 be under the direction and control of a pyrotechnic operator licensed
20 by the state of Washington and who possesses a valid permit from the
21 (~~local fire official~~) city or county.

22 **Sec. 45.** RCW 70.77.555 and 1995 c 61 s 26 are each amended to read
23 as follows:

24 (1) A (~~local public agency~~) city or county may provide by
25 ordinance for a fee in an amount sufficient to cover all legitimate
26 costs for all needed permits (~~and local~~), licenses, and
27 authorizations from application to and through processing, issuance,
28 and inspection, but in no case to exceed a total of one hundred dollars
29 for any one (year) retail sales permit for any one selling season in
30 a year, whether June 28th through July 5th or December 27th through
31 December 31st, or a total of two hundred dollars for both selling
32 seasons.

33 (2) A city or county may provide by ordinance for a fee in an
34 amount sufficient to cover all legitimate costs for all display
35 permits, licenses, and authorizations from application to and through
36 processing, issuance, and inspection, not to exceed actual costs and in

1 no case more than a total of five thousand dollars for any one display
2 permit.

3 **Sec. 46.** RCW 70.77.575 and 1995 c 369 s 57 are each amended to
4 read as follows:

5 (1) The chief of the Washington state patrol, through the director
6 of fire protection, shall adopt by rule a list of the consumer
7 fireworks that may be sold to the public in this state pursuant to this
8 chapter. The chief of the Washington state patrol, through the
9 director of fire protection, shall file the list by October 1st of each
10 year with the code reviser for publication, unless the previously
11 published list has remained current.

12 (2) The chief of the Washington state patrol, through the director
13 of fire protection, shall provide the list adopted under subsection (1)
14 of this section by November 1st of each year to all manufacturers,
15 wholesalers, and importers licensed under this chapter, unless the
16 previously distributed list has remained current.

17 **Sec. 47.** RCW 70.77.580 and 1995 c 369 s 58 are each amended to
18 read as follows:

19 Retailers required to be licensed under this chapter shall post
20 prominently at each retail (~~outlet~~) location a list of the consumer
21 fireworks that may be sold to the public in this state pursuant to this
22 chapter. The posted list shall be in a form approved by the chief of
23 the Washington state patrol, through the director of fire protection.
24 The chief of the Washington state patrol, through the director of fire
25 protection, shall make the list available (~~the list~~).

26 NEW SECTION. **Sec. 48.** A new section is added to chapter 70.77 RCW
27 to read as follows:

28 Civil proceedings to enforce this chapter may be brought in the
29 superior court of Thurston county or the county in which the violation
30 occurred by the attorney general or the attorney of the city or county
31 in which the violation occurred on his or her own motion or at the
32 request of the chief of the Washington state patrol, through the
33 director of fire protection.

34 NEW SECTION. **Sec. 49.** A new section is added to chapter 70.77 RCW
35 to read as follows:

1 In addition to criminal penalties, a person who violates this
2 chapter is also liable for a civil penalty and for the costs incurred
3 with enforcing this chapter and bringing the civil action, including
4 court costs and reasonable investigative and attorneys' fees.

5 NEW SECTION. **Sec. 50.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected."

9 **2SSB 6080** - H COMM AMD
10 By Committee on Commerce & Labor

11
12 On page 1, line 2 of the title, after "laws;" strike the remainder
13 of the title and insert "amending RCW 70.74.010, 70.74.191, 70.74.400,
14 70.77.126, 70.77.131, 70.77.136, 70.77.141, 70.77.160, 70.77.170,
15 70.77.175, 70.77.180, 70.77.205, 70.77.210, 70.77.215, 70.77.230,
16 70.77.236, 70.77.250, 70.77.255, 70.77.270, 70.77.305, 70.77.311,
17 70.77.315, 70.77.330, 70.77.335, 70.77.340, 70.77.343, 70.77.381,
18 70.77.395, 70.77.401, 70.77.405, 70.77.420, 70.77.425, 70.77.435,
19 70.77.440, 70.77.495, 70.77.510, 70.77.515, 70.77.517, 70.77.520,
20 70.77.535, 70.77.555, 70.77.575, and 70.77.580; adding new sections to
21 chapter 70.77 RCW; and prescribing penalties."

--- END ---