
HOUSE BILL 1280

State of Washington

61st Legislature

2009 Regular Session

By Representatives Condotta, Chandler, Crouse, Kretz, Kristiansen, and Armstrong

Read first time 01/16/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the expiration of explosives licenses; and
2 amending RCW 70.74.380, 70.74.120, 70.74.137, 70.74.140, 70.74.142,
3 70.74.144, and 70.74.146.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.74.380 and 1988 c 198 s 9 are each amended to read
6 as follows:

7 ~~((With the exception of storage licenses for permanent
8 facilities,))~~ Every license issued under the authority of this chapter
9 shall expire ~~((after one year))~~ three years from the date issued unless
10 suspended or revoked. ~~((The director of labor and industries may
11 extend the duration of storage licenses for permanent facilities to two
12 years provided the location, distances, and use of the facilities
13 remain unchanged. The fee for the two year storage license shall be
14 twice the annual fee.))~~

15 **Sec. 2.** RCW 70.74.120 and 1988 c 198 s 6 are each amended to read
16 as follows:

17 All persons engaged in keeping or storing and all persons having in
18 their possession explosives on August 11, 1969, shall within sixty days

1 thereafter, and all persons engaging in keeping or storing explosives
2 or coming into possession thereof after August 11, 1969, shall before
3 engaging in the keeping or storing of explosives or taking possession
4 thereof, make an application in writing subscribed to by such person or
5 his or her agent, to the department of labor and industries stating:

6 (1) The location of the magazine, if any, if then existing, or in
7 case of a new magazine, the proposed location of such magazine;

8 (2) The kind of explosives that are kept or stored or possessed or
9 intended to be kept or stored or possessed and the maximum quantity
10 that is intended to be kept or stored or possessed thereat;

11 (3) The distance that such magazine is located or intended to be
12 located from other magazines, inhabited buildings, explosives
13 manufacturing buildings, railroads, highways and public utility
14 transmission systems;

15 (4) The name and address of the applicant;

16 (5) The reason for desiring to store or possess explosives;

17 (6) The citizenship of the applicant if the applicant is an
18 individual;

19 (7) If the applicant is a partnership, the names and addresses of
20 the partners and their citizenship;

21 (8) If the applicant is an association or corporation, the names
22 and addresses of the officers and directors thereof and their
23 citizenship;

24 (9) And such other pertinent information as the director of the
25 department of labor and industries shall require to effectuate the
26 purpose of this chapter.

27 The department of labor and industries shall, as soon as may be
28 after receiving such application, cause an inspection to be made of the
29 magazine, if then constructed, and, in the case of a new magazine, as
30 soon as may be after same is found to be constructed in accordance with
31 the specification provided in RCW 70.74.025, such department shall
32 determine the amount of explosives that may be kept and stored in such
33 magazine by reference to the quantity and distance tables specified in
34 or adopted under this chapter and shall issue a license to the person
35 applying therefor if the applicant demonstrates that either the
36 applicant or the officers, agents, or employees of the applicant are
37 sufficiently experienced in the handling of explosives and possess
38 suitable storage facilities therefor, and that the applicant meets the

1 qualifications for a license under RCW 70.74.360. Said license shall
2 set forth the maximum quantity of explosives that may be had, kept or
3 stored by said person. Such license shall be valid until canceled for
4 one or more of the causes hereinafter provided. Whenever by reason of
5 change in the physical conditions surrounding said magazine at the time
6 of the issuance of the license therefor, such as:

- 7 (a) The erection of buildings nearer said magazine;
- 8 (b) The construction of railroads nearer said magazine;
- 9 (c) The opening for public travel of highways nearer said magazine;

10 or

11 (d) The construction of public utilities transmission systems near
12 said magazine; then the amounts of explosives which may be lawfully
13 had, kept or stored in said magazine must be reduced to conform to such
14 changed conditions in accordance with the quantity and distance table
15 notwithstanding the license, and the department of labor and industries
16 shall modify or cancel such license in accordance with the changed
17 conditions. Whenever any person to whom a license has been issued,
18 keeps or stores in the magazine or has in his or her possession, any
19 quantity of explosives in excess of the maximum amount set forth in
20 said license, or whenever any person fails for thirty days to pay the
21 (~~annual~~) license fee hereinafter provided after the same becomes due,
22 the department is authorized to cancel such license. Whenever a
23 license is canceled by the department for any cause herein specified,
24 the department shall notify the person to whom such license is issued
25 of the fact of such cancellation and shall in said notice direct the
26 removal of all explosives stored in said magazine within ten days from
27 the giving of said notice, or, if the cause of cancellation be the
28 failure to pay the (~~annual~~) license fee, or the fact that explosives
29 are kept for an unlawful purpose, the department of labor and
30 industries shall order such person to dispossess himself or herself of
31 said explosives within ten days from the giving of said notice.
32 Failure to remove the explosives stored in said magazine or to
33 dispossess oneself of the explosives as herein provided within the time
34 specified in said notice shall constitute a violation of this chapter.

35 **Sec. 3.** RCW 70.74.137 and 2008 c 285 s 5 are each amended to read
36 as follows:

37 Every person applying for a purchaser's license, or renewal

1 thereof, shall pay (~~(an annual)~~) a license fee of twenty-five dollars.
2 The director of labor and industries may adjust the amount of the
3 license fee to reflect the administrative costs of the department. The
4 fee shall not exceed one hundred dollars.

5 Said license fee shall accompany the application and shall be
6 transmitted by the department to the state treasurer: PROVIDED, That
7 if the applicant is denied a purchaser's license the license fee shall
8 be returned to said applicant by registered mail.

9 **Sec. 4.** RCW 70.74.140 and 2008 c 285 s 6 are each amended to read
10 as follows:

11 Every person engaging in the business of keeping or storing of
12 explosives shall pay (~~(an annual)~~) a license fee for each magazine
13 maintained, to be graduated by the department of labor and industries
14 according to the quantity kept or stored therein, of fifty dollars.
15 The director of labor and industries may adjust the amount of the
16 license fee to reflect the administrative costs of the department. The
17 fee shall not exceed four hundred dollars.

18 Said license fee shall accompany the application and shall be
19 transmitted by the department to the state treasurer.

20 **Sec. 5.** RCW 70.74.142 and 2008 c 285 s 7 are each amended to read
21 as follows:

22 Every person applying for a user's license, or renewal thereof,
23 under this chapter shall pay (~~(an annual)~~) a license fee of fifty
24 dollars. The director of labor and industries may adjust the amount of
25 the license fee to reflect the administrative costs of the department.
26 The fee shall not exceed two hundred dollars.

27 Said license fee shall accompany the application, and be
28 transmitted by the department to the state treasurer: PROVIDED, That
29 if the applicant is denied a user's license the license fee shall be
30 returned to said applicant by registered mail.

31 **Sec. 6.** RCW 70.74.144 and 2008 c 285 s 8 are each amended to read
32 as follows:

33 Every person engaged in the business of manufacturing explosives
34 shall pay (~~(an annual)~~) a license fee of fifty dollars. The director

1 of labor and industries may adjust the amount of the license fee to
2 reflect the administrative costs of the department. The fee shall not
3 exceed two hundred dollars.

4 Businesses licensed to manufacture explosives are not required to
5 have a dealer's license, but must comply with all of the dealer
6 requirements of this chapter when they sell explosives.

7 The license fee shall accompany the application and shall be
8 transmitted by the department to the state treasurer.

9 **Sec. 7.** RCW 70.74.146 and 2008 c 285 s 9 are each amended to read
10 as follows:

11 Every person engaged in the business of selling explosives shall
12 pay (~~(an annual)~~) a license fee of fifty dollars. The director of
13 labor and industries may adjust the amount of the license fee to
14 reflect the administrative costs of the department. The fee shall not
15 exceed two hundred dollars.

16 Businesses licensed to sell explosives must comply with all of the
17 dealer requirements of this chapter.

18 The license fee shall accompany the application and shall be
19 transmitted by the department to the state treasurer.

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