
HOUSE BILL 2499

State of Washington 61st Legislature 2010 Regular Session

By Representatives Bailey, Chandler, Roach, Schmick, and Kretz

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1 AN ACT Relating to the regulation of black powder; and amending RCW
2 70.74.010 and 70.74.340.

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

4 **Sec. 1.** RCW 70.74.010 and 2002 c 370 s 1 are each amended to read
5 as follows:

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

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

11 (2) The term "blasting agent" shall be held to mean and include any
12 material or mixture consisting of a fuel and oxidizer, that is intended
13 for blasting and not otherwise defined as an explosive; if the finished
14 product, as mixed for use or shipment, cannot be detonated by means of
15 a number 8 test blasting cap when unconfined. A number 8 test blasting
16 cap is one containing two grams of a mixture of eighty percent mercury
17 fulminate and twenty percent potassium chlorate, or a blasting cap of
18 equivalent strength. An equivalent strength cap comprises 0.40-0.45
19 grams of PETN base charge pressed in an aluminum shell with bottom

1 thickness not to exceed 0.03 of an inch, to a specific gravity of not
2 less than 1.4 g/cc., and primed with standard weights of primer
3 depending on the manufacturer.

4 (3) The term "explosive" or "explosives" whenever used in this
5 chapter, shall be held to mean and include any chemical compound or
6 mechanical mixture that is commonly used or intended for the purpose of
7 producing an explosion, that contains any oxidizing and combustible
8 units, or other ingredients, in such proportions, quantities or
9 packing, that an ignition by fire, by friction, by concussion, by
10 percussion, or by detonation of any part of the compound or mixture may
11 cause such a sudden generation of highly heated gases that the
12 resultant gaseous pressures are capable of producing destructive
13 effects on contiguous objects or of destroying life or limb. In
14 addition, the term "explosives" shall include all material which is
15 classified as division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by
16 the United States department of transportation. For the purposes of
17 this chapter small arms ammunition, small arms ammunition primers,
18 smokeless powder not exceeding fifty pounds, ~~((and))~~ black powder,
19 other than Fg and Fa black powder containing KNO₃ (potassium nitrate),
20 not exceeding five pounds, and Fg and Fa black powder containing KNO₃
21 (potassium nitrate) not exceeding fifty pounds shall not be defined as
22 explosives, unless possessed or used for a purpose inconsistent with
23 small arms use or other lawful purpose.

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

26 (a) DIVISION 1.1 and 1.2 EXPLOSIVES: Possess mass explosion or
27 detonating hazard and include dynamite, nitroglycerin, picric acid,
28 lead azide, fulminate of mercury, black powder, other than Fg and Fa
29 black powder containing KNO₃ (potassium nitrate), exceeding five
30 pounds, blasting caps in quantities of 1001 or more, and detonating
31 primers.

32 (b) DIVISION 1.3 EXPLOSIVES: Possess a minor blast hazard, a minor
33 projection hazard, or a flammable hazard and include propellant
34 explosives, including smokeless powder exceeding fifty pounds, and Fg
35 and Fa black powder containing KNO₃ (potassium nitrate) not exceeding
36 fifty pounds.

37 (c) DIVISION 1.4, 1.5, and 1.6 EXPLOSIVES: Include certain types

1 of manufactured articles which contain division 1.1, 1.2, or 1.3
2 explosives, or all, as components, but in restricted quantities, and
3 also include blasting caps in quantities of 1000 or less.

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

7 (6) The term "magazine", shall be held to mean and include any
8 building or other structure, other than an explosives manufacturing
9 building, used for the storage of explosives.

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

14 (8) The term "inhabited building", shall be held to mean and
15 include only a building regularly occupied in whole or in part as a
16 habitation for human beings, or any church, schoolhouse, railroad
17 station, store, or other building where people are accustomed to
18 assemble, other than any building or structure occupied in connection
19 with the manufacture, transportation, storage, or use of explosives.

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

27 (10) The term "explosives manufacturing building", shall be held to
28 mean and include any building or other structure (excepting magazines)
29 containing explosives, in which the manufacture of explosives, or any
30 processing involving explosives, is carried on, and any building where
31 explosives are used as a component part or ingredient in the
32 manufacture of any article or device.

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

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

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

5 (14) The term "person" shall be held to mean and include any
6 individual, firm, partnership, corporation, company, association,
7 society, joint stock company, joint stock association, and including
8 any trustee, receiver, assignee, or personal representative thereof.

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

12 (16) The term "forbidden or not acceptable explosives" shall be
13 held to mean and include explosives which are forbidden or not
14 acceptable for transportation by common carriers by rail freight, rail
15 express, highway, or water in accordance with the regulations of the
16 federal department of transportation.

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

21 (18) The term "handloader components" means small arms ammunition,
22 small arms ammunition primers, smokeless powder not exceeding fifty
23 pounds, and Fg and Fa black powder containing KNO3 (potassium nitrate)
24 as used in muzzle loading firearms not exceeding ((five)) fifty pounds.

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

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

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

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

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

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

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

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

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

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

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

31 (30) The term "smokeless powder" shall be held to mean and include
32 solid chemicals or solid chemical mixtures in excess of fifty pounds
33 which function by rapid combustion.

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

37 Words used in the singular number shall include the plural, and the
38 plural the singular.

1 **Sec. 2.** RCW 70.74.340 and 1970 ex.s. c 72 s 6 are each amended to
2 read as follows:

3 Quantities of small arms smokeless propellant (class B) in shipping
4 containers approved by the federal department of transportation not in
5 excess of fifty pounds may be transported in a private vehicle.

6 Quantities in excess of twenty-five pounds but not to exceed fifty
7 pounds in a private passenger vehicle shall be transported in an
8 approved magazine as specified by the department of labor and
9 industries rules and regulations.

10 Transportation of quantities in excess of fifty pounds is
11 prohibited in passenger vehicles: PROVIDED, That this requirement
12 shall not apply to duly licensed dealers.

13 Transportation of quantities in excess of fifty pounds shall be in
14 accordance with federal department of transportation regulations.

15 Small arms smokeless propellant intended for personal use in
16 quantities not to exceed twenty-five pounds may be stored without
17 restriction in residences; quantities over twenty-five pounds but not
18 to exceed fifty pounds shall be stored in a strong box or cabinet
19 constructed with three-fourths inch plywood (minimum), or equivalent,
20 on all sides, top, and bottom.

21 Fg and Fa black powder containing KNO₃(potassium nitrate) as used
22 in muzzle loading firearms may be transported in a private vehicle or
23 stored without restriction in private residences in quantities not to
24 exceed (~~five~~) fifty pounds.

25 Not more than seventy-five pounds of small arms smokeless
26 propellant, in containers of one pound maximum capacity may be
27 displayed in commercial establishments.

28 Not more than (~~twenty-five~~) seventy-five pounds of Fg and Fa
29 black powder containing KNO₃ (potassium nitrate) as used in muzzle
30 loading firearms (~~may be stored in commercial establishments of which~~
31 ~~not more than four pounds~~), in containers of one pound maximum
32 capacity may be displayed in commercial establishments.

33 Quantities in excess of one hundred fifty pounds of smokeless
34 propellant or (~~twenty-five~~) one hundred fifty pounds of Fg and Fa
35 black powder containing KNO₃ (potassium nitrate) as used in muzzle
36 loading firearms shall be stored in magazines constructed as specified
37 in the rules and regulations for construction of magazines, and located
38 in compliance with this chapter.

1 All small arms smokeless propellant when stored shall be packed in
2 federal department of transportation approved containers.

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