
HOUSE BILL 2863

State of Washington

54th Legislature

1996 Regular Session

By Representatives McMorris, Cody, Horn, Conway, Carrell, Sheldon, Smith, Sterk, Morris, Fuhrman and Pelesky

Read first time 01/23/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to expanding days of sale while not changing days
2 of use of common fireworks and clarifying other provisions of the
3 existing state fireworks law; amending RCW 70.77.255, 70.77.270,
4 70.77.325, 70.77.395, 70.77.420, 70.77.425, and 70.77.555; adding a new
5 section to chapter 70.77 RCW; prescribing penalties; and declaring an
6 emergency.

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

8 **Sec. 1.** RCW 70.77.255 and 1995 c 61 s 13 are each amended to read
9 as follows:

10 (1) Except as otherwise provided in this chapter, no person,
11 without ~~((an))~~ appropriate state licenses and city or county permits as
12 required may:

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

15 (b) Make a public display of fireworks; ~~((or))~~

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

1 (d) Manufacture, import, transport, store, sell, or possess with
2 intent to sell explosives, as defined under RCW 70.74.010, that are not
3 fireworks, as defined under this chapter.

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

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

9 (4) No license or permit is required for the possession or use of
10 common fireworks lawfully purchased at retail.

11 NEW SECTION. Sec. 2. A new section is added to chapter 70.77 RCW
12 to read as follows:

13 (1) A violation of RCW 70.77.255(1)(d) is a gross misdemeanor
14 punishable by not less than thirty days in jail and a fine of not less
15 than five thousand dollars.

16 (2) The minimum sentences required under subsection (1) of this
17 section may not be suspended or deferred.

18 **Sec. 3.** RCW 70.77.270 and 1995 c 61 s 14 are each amended to read
19 as follows:

20 (1) The governing body of a city or county shall grant an
21 application for ((a)) an annual permit under RCW 70.77.260(1), within
22 fifteen days of receipt, if the application meets the standards under
23 this chapter, and the applicable ordinances of the city or county.

24 (2) The ~~((director of community, trade, and economic development~~
25 ~~through the director of fire protection))~~ chief of the Washington state
26 patrol shall prescribe uniform, state-wide standards for retail
27 fireworks stands. All cities and counties which allow retail fireworks
28 sales shall comply with these standards.

29 (3) No retail fireworks permit may be issued to any applicant
30 unless the retail fireworks stand is covered by a liability insurance
31 policy with coverage of not less than fifty thousand dollars and five
32 hundred thousand dollars for bodily injury liability for each person
33 and occurrence, respectively, and not less than fifty thousand dollars
34 for property damage liability for each occurrence, unless such
35 insurance is not readily available from at least three approved
36 insurance companies. If insurance in this amount is not offered, each
37 fireworks permit shall be covered by a liability insurance policy in

1 the maximum amount offered by at least three different approved
2 insurance companies.

3 No wholesaler may knowingly sell or supply fireworks to any retail
4 fireworks stand unless the wholesaler determines that the retail
5 fireworks stand is covered by liability insurance in the same amount as
6 provided in this subsection.

7 **Sec. 4.** RCW 70.77.325 and 1994 c 133 s 8 are each amended to read
8 as follows:

9 (1) An application for a license shall be made annually by every
10 person holding an existing license who wishes to continue the activity
11 requiring the license during an additional calendar year. The
12 application shall be accompanied by the annual license fees as
13 prescribed in RCW 70.77.343 and 70.77.340.

14 (2) A person applying for an annual license as a retailer under
15 this chapter shall file an application by ~~((June 10))~~ May 1 of the
16 current year. The ~~((director of community, trade, and economic
17 development, through the director of fire protection,))~~ chief of the
18 Washington state patrol shall grant or deny the license within fifteen
19 days of receipt of the application.

20 (3) A person applying for an annual license as a manufacturer,
21 importer, or wholesaler under this chapter shall file an application by
22 January 31 of the current year. The ~~((director of community, trade,
23 and economic development, through the director of fire protection,))~~
24 chief of the Washington state patrol shall grant or deny the license
25 within ninety days of receipt of the application.

26 **Sec. 5.** RCW 70.77.395 and 1995 c 61 s 22 are each amended to read
27 as follows:

28 (1) It is legal to sell~~((,))~~ and purchase~~((, use, and discharge))~~
29 common fireworks within this state from ~~((twelve))~~ nine o'clock
30 ~~((noon))~~ a.m. on the twenty-eighth of June to twelve o'clock noon on
31 the sixth of July of each year, from nine o'clock a.m. on the twenty-
32 seventh of December to eleven o'clock p.m. on the thirty-first of
33 December of each year and as provided in RCW 70.77.311. ~~((However,~~
34 ~~no))~~

35 (2) Common fireworks may be ~~((sold))~~ used or discharged between the
36 hours of nine o'clock a.m. and eleven o'clock p.m. ~~((and nine o'clock
37 a.m.))~~ on the twenty-eighth of June to the sixth of July, except on

1 July 4th (~~(from)~~) between the hours of nine o'clock a.m. through twelve
2 o'clock midnight, and (~~(except)~~) from six o'clock p.m. on December 31st
3 until one o'clock a.m. on January 1st of the subsequent year and as
4 provided in RCW 70.77.311: PROVIDED, That a city or county may
5 prohibit the sale or discharge of common fireworks on December 31,
6 1995, by enacting an ordinance prohibiting such sale or discharge
7 within sixty days of April 17, 1995.

8 **Sec. 6.** RCW 70.77.420 and 1984 c 249 s 26 are each amended to read
9 as follows:

10 (1) It is unlawful for any person to store fireworks of any class
11 without a permit for such storage from the local fire official in the
12 jurisdiction in which the storage is to be made. A person proposing to
13 store fireworks shall apply in writing to a local fire official at
14 least ten days prior to the date of the proposed storage. The official
15 receiving the application for a storage permit shall investigate
16 whether the character and location of the storage as proposed would
17 constitute a hazard to property or be dangerous to any person. Based
18 on the investigation, the official may grant or deny the application.
19 The official may place reasonable conditions on any permit granted.

20 (2) For the purposes of this section the storing or keeping of
21 common fireworks when in conjunction with a valid retail sales license
22 and permit shall be subject to the standards adopted under RCW
23 70.77.270(2) and not this section.

24 **Sec. 7.** RCW 70.77.425 and 1984 c 249 s 27 are each amended to read
25 as follows:

26 It is unlawful for any person to store unsold stocks of fireworks
27 remaining unsold after the lawful period of sale as provided in the
28 person's permit except in such places of storage as the local fire
29 official issuing the permit approves. Unsold stocks of common
30 fireworks remaining after the authorized retail sales period from
31 (~~(twelve)~~) nine o'clock (~~(noon)~~) a.m. on June 28th to twelve o'clock
32 noon on July 6th shall be returned on or before July 31st of the same
33 year, or remaining after the authorized retail sales period from nine
34 o'clock a.m. on December 27th to one o'clock a.m. on January 1st of the
35 subsequent year shall be returned on or before January 10th of the same
36 year to the approved storage facilities of a licensed fireworks

1 wholesaler, to a magazine or storage place approved by a local fire
2 official.

3 **Sec. 8.** RCW 70.77.555 and 1995 c 61 s 26 are each amended to read
4 as follows:

5 (1) A ((local public agency)) city or county may provide by
6 ordinance for a fee in an amount sufficient to cover all legitimate
7 costs for all needed permits and local licenses from application to and
8 through processing, issuance, and inspection, but in no case to exceed
9 a total of one hundred dollars for any one year.

10 (2) Although business, environmental impact, inspection, and all
11 other required costs, fees, local licenses, and/or permits are not
12 directly related to fireworks permits, fees, costs, and local licenses
13 on their face, however; when these fees, costs, local licenses, and/or
14 permits are necessary to the use and operation of the fireworks permits
15 and/or local licenses such as, but not limited to, business,
16 environmental impact, and inspection; they are included as part and
17 parcel of the one hundred dollar annual maximum fees, under subsection
18 (1) of this section, to cover costs for the fireworks permits and/or
19 local licenses.

20 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and shall take
23 effect immediately.

24 NEW SECTION. **Sec. 10.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

--- END ---