

2 SSB 6530 - H AMD 469

3 By Representatives McMorris, Lisk and Pelesky

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5 On page 7, after line 30, insert the following:

6 "Sec. 13. RCW 70.77.170 and 1995 c 369 s 44 are each amended to
7 read as follows:

8 "License" means a ((nontransferable)) transferable formal
9 authorization ((which)) that the chief of the Washington state patrol
10 and the director of fire protection are permitted to issue under this
11 chapter to engage in the act specifically designated therein.

12 **Sec. 14.** RCW 70.77.255 and 1995 c 61 s 13 are each amended to read
13 as follows:

14 (1) Except as otherwise provided in this chapter, no person,
15 without ((an)) appropriate state licenses and city or county permits as
16 required may:

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

19 (b) Make a public display of fireworks; ((or))

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

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

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

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

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

32 NEW SECTION. **Sec. 15.** A new section is added to chapter 70.77 RCW
33 to read as follows:

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

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

6 **Sec. 16.** RCW 70.77.270 and 1995 c 61 s 14 are each amended to read
7 as follows:

8 (1) The governing body of a city or county, or its designee, shall
9 grant an application for ((a)) an annual permit under RCW 70.77.260(1)
10 if the application meets the standards under this chapter, and the
11 applicable ordinances of the city or county. The annual permit shall
12 be granted by June 10 or thirty days after receipt of an application,
13 whichever date occurs first.

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

19 (3) No retail fireworks permit may be issued to any applicant
20 unless the retail fireworks stand is covered by a liability insurance
21 policy with coverage of not less than fifty thousand dollars and five
22 hundred thousand dollars for bodily injury liability for each person
23 and occurrence, respectively, and not less than fifty thousand dollars
24 for property damage liability for each occurrence, unless such
25 insurance is not readily available from at least three approved
26 insurance companies. If insurance in this amount is not offered, each
27 fireworks permit shall be covered by a liability insurance policy in
28 the maximum amount offered by at least three different approved
29 insurance companies.

30 No wholesaler may knowingly sell or supply fireworks to any retail
31 fireworks stand unless the wholesaler determines that the retail
32 fireworks stand is covered by liability insurance in the same amount as
33 provided in this subsection.

34 **Sec. 17.** RCW 70.77.325 and 1994 c 133 s 8 are each amended to read
35 as follows:

36 (1) An application for a license shall be made annually by every
37 person holding an existing license who wishes to continue the activity

1 requiring the license during an additional calendar year. The
2 application shall be accompanied by the annual license fees as
3 prescribed in RCW 70.77.343 and 70.77.340.

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

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

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

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

25 (2) Common fireworks may be (~~((sold))~~) used or discharged each day
26 between the hours of nine o'clock a.m. and eleven o'clock p.m. ((and
27 nine o'clock a.m.)) on the twenty-eighth of June to the sixth of July,
28 ((except)) and on July 4th ((from)) between the hours of nine o'clock
29 a.m. ((through)) and twelve o'clock midnight, and ((except)) from six
30 o'clock p.m. on December 31st until one o'clock a.m. on January 1st of
31 the subsequent year and as provided in RCW 70.77.311: PROVIDED, That
32 a city or county may prohibit the sale or discharge of common fireworks
33 on December 31, 1995, by enacting an ordinance prohibiting such sale or
34 discharge within sixty days of April 17, 1995.

35 **Sec. 19.** RCW 70.77.420 and 1984 c 249 s 26 are each amended to
36 read as follows:

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

11 (2) For the purposes of this section the temporary storing or
12 keeping of common fireworks when in conjunction with a valid retail
13 sales license and permit shall comply with the standards adopted under
14 RCW 70.77.270(2) and not this section.

15 **Sec. 20.** RCW 70.77.425 and 1984 c 249 s 27 are each amended to
16 read as follows:

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

29 **Sec. 21.** RCW 70.77.555 and 1995 c 61 s 26 are each amended to read
30 as follows:

31 (1) A ~~((local public agency))~~ city or county may provide by
32 ordinance for a fee for retail sales in an amount sufficient to cover
33 all legitimate costs for all needed permits and local licenses from
34 application to and through processing, issuance, and inspection, but in
35 no case to exceed a total of one hundred dollars for any one year.

36 Even though business, environmental impact, inspection, and all
37 other required costs, fees, local licenses, and permits are not

1 directly related to fireworks permits, fees, costs, and local licenses
2 on their face; when these fees, costs, local licenses, and permits are
3 necessary to the use and operation of the fireworks permits and local
4 licenses such as, but not limited to, business, environmental impact,
5 and inspection; they are included as part and parcel of the one hundred
6 dollar annual maximum fees, under subsection (1) of this section, that
7 cover costs for the fireworks permits and local licenses.

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

13 NEW SECTION. Sec. 22. Sections 13 through 21 of this act are
14 necessary for the immediate preservation of the public peace, health,
15 or safety, or support of the state government and its existing public
16 institutions, and shall take effect immediately.

17 NEW SECTION. Sec. 23. If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected."

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24 On page 1, line 1 of the title, after "counties;" strike the
25 remainder of the title and insert "amending RCW 2.28.139, 36.70.040,
26 36.87.030, 36.87.040, 41.14.080, 70.48.100, 70.95I.040, 84.48.028,
27 84.48.032, 70.77.170, 70.77.255, 70.77.270, 70.77.325, 70.77.395,
28 70.77.420, 70.77.425, and 70.77.555; reenacting and amending RCW
29 36.81.121 and 36.88.010; adding a new section to chapter 36.115 RCW;
30 adding a new section to chapter 70.77 RCW; prescribing penalties; and
31 declaring an emergency."

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