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**SUBSTITUTE SENATE BILL 6255**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senate Committee on Agriculture & Rural Economic Development  
(originally sponsored by Senators Rasmussen, Prentice, Morton,  
Franklin, Heavey, Brown and Goings)

Read first time 01/20/2000.

1 AN ACT Relating to anhydrous ammonia; adding a new chapter to Title  
2 15 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A person is guilty of the crime of unlawful  
5 possession of anhydrous ammonia if the person possesses anhydrous  
6 ammonia without a legitimate use or with the intent to use such  
7 anhydrous ammonia in the manufacture of a controlled substance as  
8 defined in chapter 69.50 RCW. Violation of this section is a class C  
9 felony.

10 NEW SECTION. **Sec. 2.** A person is guilty of the crime of unlawful  
11 storage of anhydrous ammonia if the person possesses anhydrous ammonia  
12 in a container that is not approved by the United States department of  
13 transportation to hold anhydrous ammonia or otherwise improperly stores  
14 or transports anhydrous ammonia. Violation of this section is a class  
15 C felony.

16 This section does not apply to public employees or private  
17 contractors authorized to clean up and dispose of hazardous wastes or  
18 toxic substances under chapter 70.105 or 70.105D RCW.

1        NEW SECTION.    **Sec. 3.**    Any damages arising out of the unlawful  
2 possession of, storage of, or tampering with anhydrous ammonia or  
3 anhydrous ammonia equipment shall be the sole responsibility of the  
4 unlawful possessor, storer, or tamperer.    In no case shall liability  
5 for damages arising out of the unlawful possession of, storage of, or  
6 tampering with anhydrous ammonia or anhydrous ammonia equipment extend  
7 to the lawful owner, installer, maintainer, designer, manufacturer,  
8 possessor, or seller of the anhydrous ammonia or anhydrous ammonia  
9 equipment, unless such damages arise out of the lawful owner's,  
10 installer's, maintainer's, designer's, manufacturer's, possessor's, or  
11 seller's acts or omissions that constitute negligent misconduct to  
12 abide by the laws regarding anhydrous ammonia possession and storage.

13        NEW SECTION.    **Sec. 4.**    Sections 1 through 3 of this act constitute  
14 a new chapter in Title 15 RCW.

15        NEW SECTION.    **Sec. 5.**    If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

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