

FINAL BILL REPORT

2SSB 6080

C 370 L 02
Synopsis as Enacted

Brief Description: Updating and harmonizing fireworks and explosives laws.

Sponsors: Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Prentice).

Senate Committee on Labor, Commerce & Financial Institutions
House Committee on Commerce & Labor

Background: A combination of federal, state, and local law governs the distribution, sale, and use of fireworks. State law distinguishes between "explosives" and "fireworks." Explosives are regulated by the Department of Labor and Industries, and fireworks are regulated by the Washington State Patrol, through the State Fire Marshal. The fireworks statute distinguishes between items sold at retail to unlicensed consumers at prescribed times, and specialty items designed for public display sold only to licensed individuals.

Both the fireworks and explosives statutes refer to various federal standards and regulatory definitions. Some terms in state law are no longer consistent with counterpart federal definitions.

Summary: *Explosives.* Several definitions in the explosives statute are amended to conform to current federal definitions. A clarification is made to exempt certain military operations, and exemptions are added for seizure of explosives and fireworks by local law enforcement.

Fireworks. Definitions: Some terms and numerous definitions in the state fireworks law are amended. Other terms and definitions are added. These amendments and additions make state terms and definitions conform to federal definitions.

Sales and Use: The July sales and use period is changed to prohibit sales and use after July 5. In addition to July sales and use dates, the sale and use of consumer fireworks is authorized from December 27 through December 31 annually. A city or county may limit or prohibit the sale, purchase, possession, or use of consumer fireworks during this period in 2002 by local ordinance enacted within 60 days of the effective date of the act. A local ordinance to prohibit the sale, purchase, possession, and use after December 2002, shall be effective no sooner than one year from the date of adoption. A prohibition against the sale of any fireworks to a person under the age of 16 is added.

Licenses and Permits: Clarification is made that licenses are issued by the Washington State Patrol, through the Director of Fire Protection, and that permits are issued by cities and counties. By local ordinance, a city or county may charge a separate fee for a retail sales permit and public fireworks display permit. A city or county may charge up to \$100 for a retail sales permit and up to \$5,000 for a public display permit. The local permitting authority is changed from the local fire official to the city or county.

Transportation: A licensee is authorized to transport fireworks without a city or county permit.

Storage: The storage of fireworks is redefined as "temporary storage" or "permanent storage." The prohibition against unlicensed storage and the requirement for obtaining a local storage permit are amended to apply to only permanent storage. No permit is required for storage of consumer fireworks during authorized periods of sales and use. Consumer fireworks remaining after the July and December selling period must be returned to a licensed wholesaler or to a permanent storage facility. The issuing agency for permanent storage is changed from the local fire department to a city or county. Upon application for a permanent storage permit, a city or county must investigate whether the proposed storage meets local zoning, building, and fire codes. The storage of fireworks seized during enforcement by the Washington State Patrol, through the Director of Fire Protection, are exempt from storage permit requirements.

Seizure: Proceeds from the sale of illegal fireworks are used as follows. After seizure and storage costs are offset (as permitted under current law), remaining proceeds are deposited in the Fire Services Trust Fund. At least 50 percent is used for a public education campaign emphasizing safe and responsible use of fireworks (instead of 75 percent as required under current law). The remainder is used for enforcement efforts.

Penalties: A civil penalty is established for certain prohibited acts, such as the illegal possession, discharge, sale, or transportation of fireworks. Related procedural requirements also are established. Civil penalties are limited to \$1,000 per day, per violation.

Civil penalties imposed under the state fireworks law are paid to the State Treasurer and are credited to the Fire Services Trust Fund. At least 50 percent is used for a public education campaign emphasizing safe and responsible use of fireworks. The remainder is used for enforcement efforts.

Enforcement: The Attorney General, county prosecutors, and city attorneys are authorized to bring civil actions to enforce the state fireworks law and to collect penalties imposed under the law. Civil actions to enforce the law may be brought in the superior court of Thurston County or the county in which the violation occurred. Civil actions to collect penalties may be brought in the superior court of Thurston County or the county in which the violator does business.

Votes on Final Passage:

Senate	46	0	
House	92	0	(House amended)
Senate	44	0	(Senate concurred)

Effective: June 13, 2002