

HOUSE BILL REPORT

HB 2499

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to the regulation of black powder.

Brief Description: Changing regulations concerning black powder.

Sponsors: Representatives Bailey, Chandler, Roach, Schmick and Kretz.

Brief History:

Committee Activity:

Commerce & Labor: 1/29/10, 2/2/10 [DPS].

Brief Summary of Substitute Bill

- Raises the amount of black powder which may be stored in private residences, transported in private vehicles, and stored in commercial establishments, and makes other changes to the state's Explosives Act.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Crouse, Green, Moeller and Williams.

Staff: Joan Elgee (786-7106).

Background:

Under the state's Explosives Act (Act), the Department of Labor and Industries (Department) regulates the manufacture, storage, sale, purchase, transportation, possession, and use of explosives. No person may conduct any of these activities without being in compliance with the Act. The Department has authority to adopt rules regarding explosives activities and issue various types of explosives licenses including dealer, purchaser, and blaster licenses.

Black powder not exceeding five pounds is excluded from the definition of "explosives" unless it is possessed or used for a purpose inconsistent with small arms use or other lawful

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purpose. Black powder used in muzzle-loading firearms may be transported in a private vehicle or stored without restriction in private residences in quantities not to exceed five pounds. Not more than 25 pounds of black powder may be stored in commercial establishments, of which not more than four pounds may be displayed. Quantities of black powder in excess of 25 pounds must be stored in magazines.

The International Fire Code, which has been adopted by the State Building Code Council, limits the storage of black powder and other explosives. Black powder limits are: (1) storage in residences to 20 pounds; (2) commercial storage to less than 50 pounds in magazines; and (3) commercial display to no more than one pound. In addition, quantities over 50 pounds must be stored in outside magazines.

Summary of Substitute Bill:

Laws regarding quantities of black powder used in muzzle-loading firearms are changed as follows:

	Current law	SHB 2499
May be transported in private vehicle	Five pounds or less	50 pounds or less, placarded under rules adopted by the Department
May be stored in private residence	Five pounds or less	20 pounds or less, stored in a secure explosives container
May be displayed in commercial establishment	Four pounds or less	One pound or less
Stored in commercial establishment	Not more than 25 pounds	Not more than 50 pounds in a Type 2 or Type 4 indoor magazine
Other storage (outside)	More than 25 pounds must be stored in magazines	More than 50 pounds must be stored in magazines

Substitute Bill Compared to Original Bill:

The substitute bill restores current law regarding the five-pound exclusion of black powder from the definition of explosives. In addition, the substitute bill makes changes to restrictions on black powder used in muzzle-loading firearms as follows: (1) requires placarding for transporting in a private vehicle; (2) changes the amount that may be stored in a private residence from 50 pounds to 20 pounds and requires storage in a secure explosives container; (3) changes the amount that may be displayed in a commercial establishment from 75 pounds to one pound; (4) adds a provision allowing storage of 50 pounds in a Type 2 or Type 4 magazine in commercial establishments; and (5) requires black powder over 50 pounds, rather than 150 pounds, to be stored in magazines. References to specific types of black powder are deleted so that the changes apply to all black powder.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Re-enactments are living history and a way to teach both history and safety, but the ability to teach is limited under Washington law. A teacher uses Civil War re-enactments to make classroom time more effective. Re-enactors are invited to events and places such as parades, funerals, parks, and schools. It is a hobby, is entertaining, and has been recognized by the motion picture industry. People have been doing re-enactments for over 30 years. Re-enactors try to recreate events in minute detail. They do not glorify war.

This bill is a reasonable bill that lines up with federal law. People need to have more than five pounds of black powder. Some cannons use 10 to 11 pounds per hour. A person may have four different types of powder at a time for different arms. A re-enactment can take up to eight peoples' five-pound allowance. A re-enactor and competitive shooter goes through 25 to 40 pounds of black powder in a year. Black powder is also used in muzzle-loading competitions and for big game. This bill will make re-enactments simpler and safer. To get 30 pounds to an event means there are six cars on the road with black powder. Sporting goods stores can only have 25 pounds so people have to go to other states to get powder.

Black powder is safer than smokeless powder and should be treated the same. Fireworks stand businesses store and transport far greater quantities of explosives. Most purchasers of fireworks store more than five pounds in their homes. The United Parcel Service and other carriers can transport, without placards, more black powder than citizens can transport in their personal vehicles.

(Opposed) The Department has nothing against re-enactments and muzzle-loading but there is a public safety concern. Black powder is much more dangerous than smokeless powder. If there is an ignition source, there is considerably more risk with black powder. Federal law does allow greater amounts to be transported. There are fire protection code limits that are more stringent than what the Department allows.

Persons Testifying: (In support) Representative Bailey, prime sponsor; William Safford, Washington Civil War Association; and Gary Sheets, Roger Hull, James Genovese, Paul Hicks, Lowel Higley, and Steve Fairman, Washington State Muzzleloaders Association.

(Opposed) Steve Cant and Mason Reiter, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.