
SENATE BILL 5254

State of Washington

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By Senators Schoesler, Hatfield, King, Hewitt, Carrell, Delvin, Pridemore, Baumgartner, Holmquist Newbry, and Conway

Read first time 01/19/11. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to the licensing of explosive dealers,
2 manufacturers, sellers, and storage; and amending RCW 70.74.120,
3 70.74.137, 70.74.140, 70.74.142, 70.74.144, 70.74.146, 70.74.150,
4 70.74.360, and 70.74.380.

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

6 **Sec. 1.** RCW 70.74.120 and 1988 c 198 s 6 are each amended to read
7 as follows:

8 All persons engaged in keeping or storing and all persons having in
9 their possession explosives on August 11, 1969, shall within sixty days
10 thereafter, and all persons engaging in keeping or storing explosives
11 or coming into possession thereof after August 11, 1969, shall before
12 engaging in the keeping or storing of explosives or taking possession
13 thereof, make an application in writing subscribed to by such person or
14 ((his)) the person's agent, to the department of labor and industries
15 stating:

16 (1) The location of the magazine, if any, if then existing, or in
17 case of a new magazine, the proposed location of such magazine;

18 (2) The kind of explosives that are kept or stored or possessed or

1 intended to be kept or stored or possessed and the maximum quantity
2 that is intended to be kept or stored or possessed thereat;

3 (3) The distance that such magazine is located or intended to be
4 located from other magazines, inhabited buildings, explosives
5 manufacturing buildings, railroads, highways and public utility
6 transmission systems;

7 (4) The name and address of the applicant;

8 (5) The reason for desiring to store or possess explosives;

9 (6) The citizenship of the applicant if the applicant is an
10 individual;

11 (7) If the applicant is a partnership, the names and addresses of
12 the partners and their citizenship;

13 (8) If the applicant is an association or corporation, the names
14 and addresses of the officers and directors thereof and their
15 citizenship;

16 (9) And such other pertinent information as the director of the
17 department of labor and industries shall require to effectuate the
18 purpose of this chapter.

19 The department of labor and industries shall, as soon as may be
20 after receiving such application, cause an inspection to be made of the
21 magazine, if then constructed, and, in the case of a new magazine, as
22 soon as may be after same is found to be constructed in accordance with
23 the specification provided in RCW 70.74.025, such department shall
24 determine the amount of explosives that may be kept and stored in such
25 magazine by reference to the quantity and distance tables specified in
26 or adopted under this chapter and shall issue a license to the person
27 applying therefor if the applicant demonstrates that either the
28 applicant or the officers, agents, or employees of the applicant are
29 sufficiently experienced in the handling of explosives and possess
30 suitable storage facilities therefor, and that the applicant meets the
31 qualifications for a license under RCW 70.74.360. Said license shall
32 set forth the maximum quantity of explosives that may be had, kept or
33 stored by said person. Such license shall be valid until canceled for
34 one or more of the causes hereinafter provided. Whenever by reason of
35 change in the physical conditions surrounding said magazine at the time
36 of the issuance of the license therefor, such as:

37 (a) The erection of buildings nearer said magazine;

38 (b) The construction of railroads nearer said magazine;

1 (c) The opening for public travel of highways nearer said magazine;
2 or

3 (d) The construction of public utilities transmission systems near
4 said magazine; then the amounts of explosives which may be lawfully
5 had, kept or stored in said magazine must be reduced to conform to such
6 changed conditions in accordance with the quantity and distance table
7 notwithstanding the license, and the department of labor and industries
8 shall modify or cancel such license in accordance with the changed
9 conditions. Whenever any person to whom a license has been issued,
10 keeps or stores in the magazine or has in his or her possession, any
11 quantity of explosives in excess of the maximum amount set forth in
12 said license, or whenever any person fails for thirty days to pay the
13 (~~annual~~) license fee hereinafter provided after the same becomes due,
14 the department is authorized to cancel such license. Whenever a
15 license is canceled by the department for any cause herein specified,
16 the department shall notify the person to whom such license is issued
17 of the fact of such cancellation and shall in said notice direct the
18 removal of all explosives stored in said magazine within ten days from
19 the giving of said notice, or, if the cause of cancellation be the
20 failure to pay the (~~annual~~) license fee, or the fact that explosives
21 are kept for an unlawful purpose, the department of labor and
22 industries shall order such person to dispossess himself or herself of
23 said explosives within ten days from the giving of said notice.
24 Failure to remove the explosives stored in said magazine or to
25 dispossess oneself of the explosives as herein provided within the time
26 specified in said notice shall constitute a violation of this chapter.

27 **Sec. 2.** RCW 70.74.137 and 2008 c 285 s 5 are each amended to read
28 as follows:

29 Every person applying for a purchaser's license, or renewal
30 thereof, shall pay (~~an annual~~) a license fee of twenty-five dollars.
31 The director of labor and industries may adjust the amount of the
32 license fee to reflect the administrative costs of the department. The
33 fee shall not exceed one hundred dollars.

34 Said license fee shall accompany the application and shall be
35 transmitted by the department to the state treasurer: PROVIDED, That
36 if the applicant is denied a purchaser's license the license fee shall
37 be returned to said applicant by registered mail.

1 **Sec. 3.** RCW 70.74.140 and 2008 c 285 s 6 are each amended to read
2 as follows:

3 Every person engaging in the business of keeping or storing of
4 explosives shall pay (~~(an annual)~~) a license fee for each magazine
5 maintained, to be graduated by the department of labor and industries
6 according to the quantity kept or stored therein, of fifty dollars.
7 The director of labor and industries may adjust the amount of the
8 license fee to reflect the administrative costs of the department. The
9 fee shall not exceed four hundred dollars.

10 Said license fee shall accompany the application and shall be
11 transmitted by the department to the state treasurer.

12 **Sec. 4.** RCW 70.74.142 and 2008 c 285 s 7 are each amended to read
13 as follows:

14 Every person applying for a user's license, or renewal thereof,
15 under this chapter shall pay (~~(an annual)~~) a license fee of fifty
16 dollars. The director of labor and industries may adjust the amount of
17 the license fee to reflect the administrative costs of the department.
18 The fee shall not exceed two hundred dollars.

19 Said license fee shall accompany the application, and be
20 transmitted by the department to the state treasurer: PROVIDED, That
21 if the applicant is denied a user's license the license fee shall be
22 returned to said applicant by registered mail.

23 **Sec. 5.** RCW 70.74.144 and 2008 c 285 s 8 are each amended to read
24 as follows:

25 Every person engaged in the business of manufacturing explosives
26 shall pay (~~(an annual)~~) a license fee of fifty dollars. The director
27 of labor and industries may adjust the amount of the license fee to
28 reflect the administrative costs of the department. The fee shall not
29 exceed two hundred dollars.

30 Businesses licensed to manufacture explosives are not required to
31 have a dealer's license, but must comply with all of the dealer
32 requirements of this chapter when they sell explosives.

33 The license fee shall accompany the application and shall be
34 transmitted by the department to the state treasurer.

1 **Sec. 6.** RCW 70.74.146 and 2008 c 285 s 9 are each amended to read
2 as follows:

3 Every person engaged in the business of selling explosives shall
4 pay (~~(an annual)~~) a license fee of fifty dollars. The director of
5 labor and industries may adjust the amount of the license fee to
6 reflect the administrative costs of the department. The fee shall not
7 exceed two hundred dollars.

8 Businesses licensed to sell explosives must comply with all of the
9 dealer requirements of this chapter.

10 The license fee shall accompany the application and shall be
11 transmitted by the department to the state treasurer.

12 **Sec. 7.** RCW 70.74.150 and 1931 c 111 s 14 are each amended to read
13 as follows:

14 The department of labor and industries shall make, or cause to be
15 made, at least one inspection (~~(during)~~) every three years, of each
16 licensed explosives plant or magazine.

17 **Sec. 8.** RCW 70.74.360 and 2009 c 39 s 1 are each amended to read
18 as follows:

19 (1) The director of labor and industries shall require, as a
20 condition precedent to the original issuance and upon renewal every
21 three years thereafter of any explosive license, fingerprinting and
22 criminal history record information checks of every applicant. In the
23 case of a corporation, fingerprinting and criminal history record
24 information checks shall be required for the management officials
25 directly responsible for the operations where explosives are used (~~(if~~
26 ~~such persons have not previously had their fingerprints recorded with~~
27 ~~the department of labor and industries)~~). In the case of a
28 partnership, fingerprinting and criminal history record information
29 checks shall be required of all general partners. Fingerprinting is
30 not required if a person has had their fingerprints recorded with the
31 department of labor and industries and the department is satisfied that
32 those fingerprints are accurate and reliable for identification
33 purposes. Such fingerprints as are required by the department of labor
34 and industries shall be submitted on forms provided by the department
35 to the identification section of the Washington state patrol and to the
36 identification division of the federal bureau of investigation in order

1 that these agencies may search their records for prior convictions of
2 the individuals fingerprinted. The Washington state patrol shall
3 provide to the director of labor and industries such criminal record
4 information as the director may request. The applicant shall give full
5 cooperation to the department of labor and industries and shall assist
6 the department of labor and industries in all aspects of the
7 fingerprinting and criminal history record information check. The
8 applicant shall be required to pay the current federal and state fee
9 for fingerprint-based criminal history background checks.

10 (2) The director of labor and industries shall not issue a license
11 to manufacture, purchase, store, use, or deal with explosives to:

12 (a) Any person under twenty-one years of age;

13 (b) Any person whose license is suspended or whose license has been
14 revoked, except as provided in RCW 70.74.370;

15 (c) Any person who has been convicted in this state or elsewhere of
16 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,
17 or bomb threats or a crime involving a schedule I or II controlled
18 substance, or any other drug or alcohol related offense, unless such
19 other drug or alcohol related offense does not reflect a drug or
20 alcohol dependency. However, the director of labor and industries may
21 issue a license if the person suffering a drug or alcohol related
22 dependency is participating in or has completed an alcohol or drug
23 recovery program acceptable to the department of labor and industries
24 and has established control of their alcohol or drug dependency. The
25 director of labor and industries shall require the applicant to provide
26 proof of such participation and control; or

27 (d) Any person who has previously been adjudged to be mentally ill
28 or insane, or to be incompetent due to any mental disability or disease
29 and who has not at the time of application been restored to competency.

30 (3) The director of labor and industries may establish reasonable
31 licensing fees for the manufacture, dealing, purchase, use, and storage
32 of explosives.

33 **Sec. 9.** RCW 70.74.380 and 1988 c 198 s 9 are each amended to read
34 as follows:

35 (~~(With the exception of storage licenses for permanent facilities,~~
36 ~~every)) A license issued under the authority of this chapter shall
37 expire after ~~((one))~~ three years from the date issued unless suspended~~

1 or revoked. The director of labor and industries may (~~extend~~) limit
2 the duration of storage licenses for (~~permanent~~) temporary facilities
3 to (~~two years provided~~) one year if the location, distances, and use
4 of the facilities (~~remain unchanged~~) can be changed. The fee for the
5 (~~two-year~~) one-year storage license shall be (~~twice~~) one-third the
6 (~~annual~~) normal fee.

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