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**SUBSTITUTE HOUSE BILL 2387**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Public Safety (originally sponsored by Representative S. Hunt)

AN ACT Relating to flamethrowing devices; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Director of fire protection" means the director of fire protection appointed under RCW 43.43.938.

(2) "Flamethrowing device" means any nonstationary and transportable device designed or intended to emit or propel a burning stream of combustible or flammable liquid a distance of at least ten feet. "Flamethrowing device" does not include any drip torch, helitorch, fusee, plastic sphere dispenser, or other hand-held device, ground-mounted device, or aerial-mounted device with a flame of less than three feet used to ignite fuels on the ground for prescribed agriculture or wildland fire applications.

(3) "Permitholder" means a person who holds a flamethrowing device permit issued by the director of fire protection pursuant to this chapter.

NEW SECTION. **Sec.**  Except as provided in section 3 of this act, a person may not use or possess a flamethrowing device without a valid flamethrowing device permit issued by the director of fire protection. A violation of this section is a gross misdemeanor punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec.**  This chapter does not apply to the sale, purchase, possession, transportation, storage, or use of a flamethrowing device by a person if all of the following apply:

(1) The person is regularly employed by or a paid officer or employee of a fire department, fire protection district, or firefighting agency of the federal government, the state, a city or county, a municipal corporation, or other political subdivision of the state;

(2) The person is on duty and acting within the course and scope of the person's employment; and

(3) The flamethrowing device is used in the course of fire suppression.

NEW SECTION. **Sec.**  The director of fire protection:

(1) Must establish by rule standards for the issuance and renewal of flamethrowing device permits, including background investigation requirements. At a minimum, the standards must require that:

(a) The applicant or permitholder is not addicted to any controlled substance; and

(b) The applicant or permitholder is not prohibited from possessing a firearm under state or federal law;

(2) Must establish by rule standards for the use, storage, and transportation of flamethrowing devices; and

(3) May designate by rule fees for flamethrowing device permits and permit renewals at the level necessary to cover the costs of administering and enforcing the permit program.

NEW SECTION. **Sec.**  (1) The director of fire protection shall revoke a flamethrowing device permit if the permitholder does not comply with the requirements of this chapter and the rules adopted pursuant to this chapter.

(2) If the director of fire protection denies an application or renewal application for a flamethrowing device permit, or revokes a flamethrowing device permit, the applicant or permitholder is entitled to an administrative hearing pursuant to chapter 34.05 RCW.

NEW SECTION. **Sec.**  The director of fire protection must seize any flamethrowing device found in the possession of a person who does not have a valid flamethrowing device permit issued pursuant to this chapter and who is not otherwise authorized to possess a flamethrowing device under section 3 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 43.43 RCW to read as follows:

The director of fire protection shall adopt rules and carry out other requirements related to flamethrowing devices as designated under chapter 70.--- RCW (the new chapter created in section 8 of this act).

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

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