
SUBSTITUTE HOUSE BILL 1702

State of Washington

64th Legislature

2015 Regular Session

By House Local Government (originally sponsored by Representatives Moscoso, Vick, Ryu, Kochmar, Blake, McCabe, Hurst, Stanford, Kagi, Young, and Griffey)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to clarifying and restating the scope of local
2 authority regarding regulation of fireworks by adopting uniform
3 statewide standards and rules that continue the current limited scope
4 of local authority; amending RCW 70.77.250 and 70.77.270; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 70.77.250 and 2002 c 370 s 19 are each amended to
8 read as follows:

9 (1) The chief of the Washington state patrol, through the
10 director of fire protection, shall enforce and administer this
11 chapter.

12 (2) The chief of the Washington state patrol, through the
13 director of fire protection, shall appoint such deputies and
14 employees as may be necessary and required to carry out the
15 provisions of this chapter.

16 (3) The chief of the Washington state patrol, through the
17 director of fire protection, shall adopt those rules relating to
18 fireworks as are necessary for the implementation of this chapter.

19 (4) The chief of the Washington state patrol, through the
20 director of fire protection, shall adopt those rules as are necessary
21 to ensure statewide ((minimum)) standards for the enforcement of this

1 chapter. Counties and cities shall comply with these ((state))
2 statewide standards and rules. ((Any ordinances adopted by a county
3 or city that are more restrictive than state law shall have an
4 effective date no sooner than one year after their adoption.))

5 (a) A county or city may enact an ordinance that is more
6 restrictive than state law as to:

7 (i) The days and hours of legal sale of consumer fireworks,
8 including limiting or prohibiting the sale;

9 (ii) The days and hours of legal use of consumer fireworks,
10 including limiting or prohibiting the use; and

11 (iii) The types of consumer fireworks that may be sold and used
12 within the geographical boundary of the county or city, including
13 limiting or prohibiting the sale or use of types of consumer
14 fireworks.

15 (b) Any ordinance adopted by a county or city under (a) of this
16 subsection that is more restrictive than state law shall have an
17 effective date no sooner than one year after its adoption. Any part
18 of an ordinance, standard, rule, or regulation adopted by a county or
19 city that conflicts with the provisions of this chapter, or rules
20 adopted in accordance with this chapter, is null and void and shall
21 have no effect.

22 (c) The chief of the Washington state patrol, through the
23 director of fire protection, must enforce this section and this
24 chapter.

25 (5) The chief of the Washington state patrol, through the
26 director of fire protection, may exercise the necessary police powers
27 to enforce the criminal provisions of this chapter. This grant of
28 police powers does not prevent any other state agency and city,
29 county, or local government agency having general law enforcement
30 powers from enforcing this chapter within the jurisdiction of the
31 agency and city, county, or local government.

32 (6) The chief of the Washington state patrol, through the
33 director of fire protection, shall adopt rules necessary to enforce
34 the civil penalty provisions for the violations of this chapter. A
35 civil penalty under this subsection may not exceed one thousand
36 dollars per day for each violation and is subject to the procedural
37 requirements under RCW 70.77.252.

38 (7) The chief of the Washington state patrol, through the
39 director of fire protection, may investigate or cause to be

1 investigated all fires resulting, or suspected of resulting, from the
2 use of fireworks.

3 **Sec. 2.** RCW 70.77.270 and 2002 c 370 s 22 are each amended to
4 read as follows:

5 (1) The governing body of a city or county, or a designee, shall
6 grant an application for a permit under RCW 70.77.260(1) if the
7 application meets the standards under this chapter, and the
8 applicable ordinances of the city or county. The permit shall be
9 granted by June 10, or no less than thirty days after receipt of an
10 application whichever date occurs first, for sales commencing on June
11 28 and on December 27; or by December 10, or no less than thirty days
12 after receipt of an application whichever date occurs first, for
13 sales commencing only on December 27.

14 ~~(2) ((The chief of the Washington state patrol, through the~~
15 ~~director of fire protection, shall prescribe uniform, statewide~~
16 ~~standards for retail fireworks stands including, but not limited to,~~
17 ~~the location of the stands, setback requirements and siting of the~~
18 ~~stands, types of buildings and construction material that may be used~~
19 ~~for the stands, use of the stands and areas around the stands,~~
20 ~~cleanup of the area around the stands, transportation of fireworks to~~
21 ~~and from the stands, and temporary storage of fireworks associated~~
22 ~~with the retail fireworks stands. All cities and counties which allow~~
23 ~~retail fireworks sales shall comply with these standards.))~~ (a) In
24 all counties and cities there is in effect a uniform, statewide
25 fireworks standard, which consists of the following code, adopted by
26 reference in its entirety and without amendment: NFPA 1124: Code for
27 the manufacture, transportation, storage, and retail sales of
28 fireworks and pyrotechnic articles, 2013 edition, as published in
29 August 2012 by the national fire protection association.

30 (i) By August 31, 2015, the chief of the Washington state patrol,
31 through the director of fire protection, must repeal all of its rules
32 on fireworks, located in chapter 212-17 WAC, that are inconsistent
33 with the statewide fireworks standard adopted under this subsection
34 (2).

35 (ii) By August 31, 2015, the chief of the Washington state
36 patrol, through the director of fire protection, must adopt new rules
37 as may be required to implement and give full effect to the
38 provisions of this chapter and the statewide fireworks standard
39 adopted under this subsection (2).

1 (b) All counties and cities that allow retail fireworks sales
2 must comply with the statewide fireworks standard adopted under this
3 subsection (2) and all rules adopted by the Washington state patrol,
4 through the director of fire protection in accordance with this
5 chapter. Any part of an ordinance, standard, rule, or regulation
6 adopted by a county or city that conflicts with the provisions of
7 this chapter, or rules adopted in accordance with this chapter, is
8 null and void and shall have no effect.

9 (c) The chief of the Washington state patrol, through the
10 director of fire protection, must enforce this section and this
11 chapter.

12 (3) No retail fireworks permit may be issued to any applicant
13 unless the retail fireworks stand is covered by a liability insurance
14 policy with coverage of not less than fifty thousand dollars and five
15 hundred thousand dollars for bodily injury liability for each person
16 and occurrence, respectively, and not less than fifty thousand
17 dollars for property damage liability for each occurrence, unless
18 such insurance is not readily available from at least three approved
19 insurance companies. If insurance in this amount is not offered, each
20 fireworks permit shall be covered by a liability insurance policy in
21 the maximum amount offered by at least three different approved
22 insurance companies.

23 (4) No wholesaler may knowingly sell or supply fireworks to any
24 retail fireworks licensee unless the wholesaler determines that the
25 retail fireworks licensee is covered by liability insurance in the
26 same, or greater, amount as provided in this subsection.

27 NEW SECTION. Sec. 3. If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. Sec. 4. This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of
33 the state government and its existing public institutions, and takes
34 effect immediately.

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