
SUBSTITUTE HOUSE BILL 2387

State of Washington

64th Legislature

2016 Regular Session

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

READ FIRST TIME 02/02/16.

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

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

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

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

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

1 NEW SECTION. **Sec. 2.** Except as provided in section 3 of this
2 act, a person may not use or possess a flamethrowing device without a
3 valid flamethrowing device permit issued by the director of fire
4 protection. A violation of this section is a gross misdemeanor
5 punishable according to chapter 9A.20 RCW.

6 NEW SECTION. **Sec. 3.** This chapter does not apply to the sale,
7 purchase, possession, transportation, storage, or use of a
8 flamethrowing device by a person if all of the following apply:

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

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

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

18 NEW SECTION. **Sec. 4.** The director of fire protection:

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

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

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

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

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

31 NEW SECTION. **Sec. 5.** (1) The director of fire protection shall
32 revoke a flamethrowing device permit if the permitholder does not
33 comply with the requirements of this chapter and the rules adopted
34 pursuant to this chapter.

35 (2) If the director of fire protection denies an application or
36 renewal application for a flamethrowing device permit, or revokes a

1 flamethrowing device permit, the applicant or permitholder is
2 entitled to an administrative hearing pursuant to chapter 34.05 RCW.

3 NEW SECTION. **Sec. 6.** The director of fire protection must seize
4 any flamethrowing device found in the possession of a person who does
5 not have a valid flamethrowing device permit issued pursuant to this
6 chapter and who is not otherwise authorized to possess a
7 flamethrowing device under section 3 of this act.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.43
9 RCW to read as follows:

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

14 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act
15 constitute a new chapter in Title 70 RCW.

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