
HOUSE BILL 1638

State of Washington

67th Legislature

2022 Regular Session

By Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, Kloba, and Pollet

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1 AN ACT Relating to fireworks prohibitions adopted by cities or
2 counties; and amending RCW 70.77.250 and 70.77.395.

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

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

6 (1) The chief of the Washington state patrol, through the
7 director of fire protection, shall enforce and administer this
8 chapter.

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

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

16 (4) (a) The chief of the Washington state patrol, through the
17 director of fire protection, shall adopt those rules as are necessary
18 to ensure statewide minimum standards for the enforcement of this
19 chapter. Counties and cities shall comply with these state rules.

20 (b) Any ordinances adopted by a county or city that are more
21 restrictive than state law shall have an effective date no sooner

1 than one year after their adoption, except for a prohibition on
2 consumer fireworks enacted under RCW 70.77.395(3) which may take
3 effect 90 days after adoption. A city or county may, after
4 consultation with a local fire marshal or other fire official,
5 immediately prohibit the use of some types of or all consumer
6 fireworks when the environmental conditions make the risk of
7 fireworks causing an uncontrolled fire high and other temporary
8 prohibitions on fire, burning, or use of combustibles are in effect.

9 (5) The chief of the Washington state patrol, through the
10 director of fire protection, may exercise the necessary police powers
11 to enforce the criminal provisions of this chapter. This grant of
12 police powers does not prevent any other state agency and city,
13 county, or local government agency having general law enforcement
14 powers from enforcing this chapter within the jurisdiction of the
15 agency and city, county, or local government.

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

22 (7) The chief of the Washington state patrol, through the
23 director of fire protection, may investigate or cause to be
24 investigated all fires resulting, or suspected of resulting, from the
25 use of fireworks.

26 **Sec. 2.** RCW 70.77.395 and 2002 c 370 s 31 are each amended to
27 read as follows:

28 (1) It is legal to sell and purchase consumer fireworks within
29 this state from twelve o'clock noon to eleven o'clock p.m. on the
30 twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m.
31 on each day from the twenty-ninth of June through the fourth of July,
32 from nine o'clock a.m. to nine o'clock p.m. on the fifth of July,
33 from twelve o'clock noon to eleven o'clock p.m. on each day from the
34 twenty-seventh of December through the thirty-first of December of
35 each year, and as provided in RCW 70.77.311.

36 (2) Consumer fireworks may be used or discharged each day between
37 the hours of twelve o'clock noon and eleven o'clock p.m. on the
38 twenty-eighth of June (~~and~~), between the hours of nine o'clock a.m.
39 and eleven o'clock p.m. on the twenty-ninth of June to the third of

1 July, (~~and on July 4th~~) between the hours of nine o'clock a.m. and
2 twelve o'clock midnight on the fourth of July, (~~and~~) between the
3 hours of nine o'clock a.m. and eleven o'clock p.m. on the fifth of
4 July (~~5th, and from~~), between the hours of six o'clock p.m. on the
5 thirty-first of December (~~31st until~~) and one o'clock a.m. on the
6 first of January (~~1st~~) of the subsequent year, and as provided in
7 RCW 70.77.311.

8 (3) A city or county may enact an ordinance (~~within sixty days~~
9 ~~of June 13, 2002,~~) to limit or prohibit the sale, purchase,
10 possession, or use of consumer fireworks (~~on December 27, 2002,~~
11 ~~through December 31, 2002, and thereafter as provided in RCW~~
12 ~~70.77.250(4)~~) within its jurisdiction.

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