
SENATE BILL 5178

State of Washington

53rd Legislature

1993 Regular Session

By Senators Wojahn, Prentice and Moore

Read first time 01/15/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to fireworks; amending RCW 70.77.250, 70.77.255,
2 70.77.330, 70.77.340, 70.77.370, 70.77.435, 70.77.440, and 70.77.515;
3 adding a new section to chapter 70.77 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
6 read as follows:

7 (1) The director of community development, through the director of
8 fire protection, shall enforce and administer this chapter.

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

12 (3) The director of community development, through the director of
13 fire protection, may prescribe such rules relating to fireworks as may
14 be necessary for the protection of life and property and for the
15 implementation of this chapter.

16 (4) The director of community development, through the director of
17 fire protection, shall prescribe such rules as may be necessary to
18 ensure state-wide minimum standards for the enforcement of this
19 chapter. Counties, cities, and towns shall comply with such state

1 rules. (~~Any local rules adopted by local authorities that are more~~
2 ~~restrictive than state law as to the types of fireworks that may be~~
3 ~~sold shall have an effective date no sooner than one year after their~~
4 ~~adoption.~~)

5 (5) The director of community development, through the director of
6 fire protection, may exercise the necessary police powers to enforce
7 the criminal provisions of this chapter. This grant of police powers
8 does not prevent any other state agency or local government agency
9 having general law enforcement powers from enforcing this chapter
10 within the jurisdiction of the agency or local government.

11 **Sec. 2.** RCW 70.77.255 and 1984 c 249 s 10 are each amended to read
12 as follows:

13 (1) Except as otherwise provided in this chapter, no person,
14 without an appropriate state license may:

15 (a) Manufacture, import, possess, or sell any fireworks at
16 wholesale (~~or retail~~) for any use;

17 (b) Make a public display of fireworks; or

18 (c) Transport fireworks, except as a public carrier delivering to
19 a licensee.

20 (2) Except as authorized by a license and permit under subsection
21 (1)(b) of this section, no person may use, possess, or discharge
22 special fireworks at any place.

23 (3) No person less than eighteen years of age may apply for or
24 receive a license or permit under this chapter.

25 (~~(4) No license or permit is required for the possession or use of~~
26 ~~common fireworks lawfully purchased at retail.~~)

27 **Sec. 3.** RCW 70.77.330 and 1986 c 266 s 104 are each amended to
28 read as follows:

29 If the director of community development, through the director of
30 fire protection, finds that the granting of such license would not be
31 contrary to public safety or welfare, he or she shall issue a license
32 authorizing the applicant to engage in the particular act or acts upon
33 the payment of the license fee specified in this chapter. Licensees
34 may transport the class of fireworks for which they hold a valid
35 license if the licensee has met all local, state, and federal
36 transportation laws for the class of fireworks to be transported.

1 **Sec. 4.** RCW 70.77.340 and 1982 c 230 s 24 are each amended to read
2 as follows:

3 The original and annual license fee shall be as follows:

4	Manufacturer	\$ 500.00
5	Importer	100.00
6	Wholesaler	1,000.00
7	((Retailer (for each separate retail outlet)	10.00))
8	Public display for special fireworks	10.00
9	Pyrotechnic operator for special fireworks	5.00

10 **Sec. 5.** RCW 70.77.370 and 1989 c 175 s 129 are each amended to
11 read as follows:

12 Any applicant who has been denied a license for reasons other than
13 making application after the date set forth in RCW 70.77.325 is
14 entitled to a hearing in accordance with the provisions of chapter
15 34.05 RCW, the Administrative Procedure Act.

16 **Sec. 6.** RCW 70.77.435 and 1986 c 266 s 111 are each amended to
17 read as follows:

18 Any fireworks which are illegally sold, offered for sale, used,
19 discharged, possessed or transported in violation of the provisions of
20 this chapter or the rules ~~((or regulations))~~ of the director of
21 community development, through the director of fire protection, shall
22 be subject to seizure by the director of community development, through
23 the director of fire protection, or his or her deputy or by state
24 agencies or local governments having general law enforcement authority.
25 Any fireworks seized under this section may be disposed of by the
26 director of community development, through the director of fire
27 protection, by summary destruction at any time subsequent to thirty
28 days from such seizure or ten days from the final termination of
29 proceedings under the provisions of RCW 70.77.440, whichever is later.

30 **Sec. 7.** RCW 70.77.440 and 1986 c 266 s 112 are each amended to
31 read as follows:

32 (1) Any person whose fireworks are seized under the provisions of
33 RCW 70.77.435 may within ten days after such seizure petition the
34 ~~((director of community development, through the director of fire~~
35 ~~protection,))~~ authority conducting the seizure to return the fireworks
36 seized upon the ground that such fireworks were illegally or

1 erroneously seized. Any petition filed hereunder shall be considered
2 by the (~~director of community development, through the director of~~
3 ~~fire protection,~~) authority conducting the seizure within fifteen days
4 after filing and an oral hearing granted the petitioner, if requested.
5 Hearings shall be conducted in accordance with locally adopted rules or
6 in accordance with state law. Notice of the decision of the (~~director~~
7 ~~of community development, through the director of fire protection,~~)
8 authority conducting the hearing shall be served upon the petitioner.
9 The (~~director of community development, through the director of fire~~
10 ~~protection,~~) authority conducting the hearing may order the fireworks
11 seized under this chapter disposed of or returned to the petitioner if
12 illegally or erroneously seized. The determination of the (~~director~~
13 ~~of community development, through the director of fire protection,~~)
14 authority conducting the hearing is final unless within sixty days an
15 action is commenced in a court of competent jurisdiction in the state
16 of Washington for the recovery of the fireworks seized (~~by the~~
17 ~~director of community development, through the director of fire~~
18 ~~protection~~) under this chapter.

19 (2) (~~If the fireworks are not returned to the petitioner or~~
20 ~~destroyed pursuant to RCW 70.77.435, the director of community~~
21 ~~development, through the director of fire protection, may sell~~
22 ~~confiscated common fireworks and special fireworks that are legal for~~
23 ~~use and possession under this chapter to wholesalers licensed by the~~
24 ~~director of community development, through the director of fire~~
25 ~~protection. Sale shall be by public auction after publishing a notice~~
26 ~~of the date, place, and time of the auction in a newspaper of general~~
27 ~~circulation in the county in which the auction is to be held, at least~~
28 ~~three days before the date of the auction. The proceeds of the sale of~~
29 ~~the seized fireworks under this section shall be deposited in the~~
30 ~~general fund.~~) Fireworks that are not legal for use and possession in
31 this state shall be destroyed by the director of community development,
32 through the director of fire protection.

33 NEW SECTION. Sec. 8. A new section is added to chapter 70.77 RCW
34 to read as follows:

35 (1) After the effective date of this section, it is illegal to
36 sell, offer for sale, possess, acquire, use, discharge, distribute, or
37 transport fireworks, unless the sale, possession, acquisition, use,

1 discharge, distribution, or transportation is specifically allowed
2 under this chapter.

3 (2) A violation of this section is a gross misdemeanor and
4 punishable as such under RCW 9A.20.021.

5 **Sec. 9.** RCW 70.77.515 and 1984 c 249 s 32 are each amended to read
6 as follows:

7 It is unlawful for any person to possess, use, discharge, or sell
8 ~~((or transfer any))~~ at retail common fireworks ~~((to a consumer or user~~
9 ~~other than at a fixed place of business of a retailer for which a~~
10 ~~license and permit have been issued))~~. A violation of this section is
11 a gross misdemeanor.

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