
Commerce & Labor Committee

ESSB 5011

Brief Description: Prohibiting the sale or distribution of certain novelty lighters.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser).

Brief Summary of Engrossed Substitute Bill

- Prohibits the sale and distribution of novelty lighters.
- Authorizes the Director of Fire Protection and local agencies to enforce these provisions.
- Creates the Novelty Lighter Fire Safety Account in the custody of the State Treasurer.

Hearing Date: 3/20/09

Staff: Alison Hellberg (786-7152)

Background:

The Office of the State Fire Marshal, Fire Protection Bureau (Bureau) is within the Washington State Patrol and provides various services to fire districts, government agencies, and the public. Examples of these services include coordination of the state fire service resources for mobilization during disasters, fire incident reporting and data collection, fire code review and adoption, and construction plan reviews for fire sprinkler and alarm systems. The Bureau also regulates the fireworks and sprinkler industries. In addition, the Bureau provides high-risk fire training to fire departments and fire protection districts, hazardous materials training, and fire prevention education.

Summary of Bill:

The sale and distribution of novelty lighters is prohibited. This prohibition does not apply to novelty lighters in interstate commerce that are not intended for distribution in the state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Wholesalers and retailers may continue to sell existing inventory for 90 days after this prohibition goes into effect.

A novelty lighter has features that are attractive to children including visual effects, flashing lights, musical sounds, and toy-like designs. In determining whether a lighter can be considered a novelty lighter, the Director of Fire Protection (Director) must consider the shape of the lighter as the most important characteristic. A novelty lighter is not a disposable lighter that is printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

The Director may enter into cooperative agreements with state or local agencies to act as authorized representatives of the Director for purposes of enforcement.

Several provisions are included for the enforcement of the prohibition. The Director or authorized agency may impose a civil penalty that may not exceed:

- for a wholesale dealer, a written warning for the first violation and \$500 for each subsequent violation; and
- for a retail dealer, a written warning for the first violation and \$250 for each subsequent violation.

At the request of the Director, the Attorney General may bring an action seeking:

- injunctive relief to prevent or end a violation;
- to recover civil penalties; or
- to recover attorneys' fees and other enforcement costs.

The Novelty Lighter Fire Safety Account (Account) is created in the custody of the State Treasurer. All receipts from the imposition of civil penalties must be deposited to the Account or into the appropriate local account. Expenditures from the Account may be used only for fire safety, enforcement, and prevention programs. Only the Director or the Director's designee may authorize expenditures from the Account.

Rules Authority: The Director has authority to adopt rules to implement these provisions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.