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**SUBSTITUTE HOUSE BILL 1638**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, Kloba, and Pollet)

READ FIRST TIME 01/17/22.

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~~) 90 days after their adoption. A city or county may,  
2 after consultation with a local fire marshal or other fire official,  
3 immediately prohibit the use of some types of or all consumer  
4 fireworks when the environmental conditions make the risk of  
5 fireworks causing an uncontrolled fire high and other temporary  
6 prohibitions on fire, burning, or use of combustibles are in effect.

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

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

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

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

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

34 (2) Consumer fireworks may be used or discharged each day between  
35 the hours of twelve o'clock noon and eleven o'clock p.m. on the  
36 twenty-eighth of June (~~and~~), between the hours of nine o'clock a.m.  
37 and eleven o'clock p.m. on the twenty-ninth of June to the third of  
38 July, (~~and on July 4th~~) between the hours of nine o'clock a.m. and  
39 twelve o'clock midnight on the fourth of July, (~~and~~) between the

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

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

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