
SENATE BILL 5997

State of Washington

54th Legislature

1995 Regular Session

By Senators Palmer, Bauer, Owen and Newhouse

Read first time 02/22/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to fireworks, creating new state fireworks
2 regulations, strengthening state fireworks enforcement provisions,
3 requiring all sales to comply with state regulation; amending RCW
4 70.77.124, 70.77.126, 70.77.131, 70.77.136, 70.77.146, 70.77.180,
5 70.77.200, 70.77.205, 70.77.250, 70.77.255, 70.77.270, 70.77.280,
6 70.77.285, 70.77.311, 70.77.315, 70.77.343, 70.77.345, 70.77.375,
7 70.77.395, 70.77.435, 70.77.440, 70.77.455, and 70.77.555; adding new
8 sections to chapter 70.77 RCW; adding a new section to chapter 42.17
9 RCW; repealing RCW 70.77.465; prescribing penalties; and declaring an
10 emergency.

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

12 NEW SECTION. **Sec. 1.** The legislature declares that fireworks,
13 when purchased and used in compliance with this chapter, are legal.
14 The legislature intends that this chapter is regulatory only, and not
15 prohibitory.

16 **Sec. 2.** RCW 70.77.124 and 1994 c 133 s 2 are each amended to read
17 as follows:

18 "City" means any incorporated city or town.

1 **Sec. 3.** RCW 70.77.126 and 1984 c 249 s 1 are each amended to read
2 as follows:

3 "Fireworks" means any composition or device, in a finished state,
4 containing any combustible or explosive substance for the purpose of
5 producing a visible or audible effect by combustion, explosion,
6 deflagration, or detonation, and classified as common or special
7 fireworks by the United States bureau of explosives or contained in the
8 regulations of the United States department of transportation and
9 designated as U.N. 0335 1.3G or U.N. 0336 1.4G as of the effective date
10 of this act.

11 **Sec. 4.** RCW 70.77.131 and 1984 c 249 s 2 are each amended to read
12 as follows:

13 "Special fireworks" means any fireworks designed primarily for
14 exhibition display by producing visible or audible effects(~~((The term~~
15 ~~includes (1) fireworks commonly known as skyrockets, missile type~~
16 ~~rockets, firecrackers, salutes, and chasers; and (2) fireworks not~~
17 ~~classified as common fireworks)) and classified as such by the United
18 States bureau of explosives or in the regulations of the United States
19 department of transportation and designated as U.N. 0335 1.3G as of the
20 effective date of this act.~~

21 **Sec. 5.** RCW 70.77.136 and 1984 c 249 s 3 are each amended to read
22 as follows:

23 "Common fireworks" means any fireworks which are designed primarily
24 ((~~to~~)) for retail sale to the public during prescribed dates and which
25 produce visual or audible effects ((~~by~~)) through combustion and are
26 classified as common fireworks by the United States bureau of
27 explosives or in the regulations of the United States department of
28 transportation and designated as U.N. 0336 1.4G as of the effective
29 date of this act.

30 (~~((1) The term includes:~~

31 ~~(a) Ground and hand held sparkling devices, including items~~
32 ~~commonly known as dipped sticks, sparklers, cylindrical fountains, cone~~
33 ~~fountains, illuminating torches, wheels, ground spinners, and flutter~~
34 ~~sparklers;~~

35 ~~(b) Smoke devices;~~

36 ~~(c) Fireworks commonly known as helicopters, aeriels, spinners,~~
37 ~~roman candles, mines, and shells;~~

1 ~~(d) Class C explosives classified on January 1, 1984, as common~~
2 ~~fireworks by the United States department of transportation.~~

3 ~~(2) The term does not include fireworks commonly known as~~
4 ~~firecrackers, salutes, chasers, skyrockets, and missile type rockets.)~~

5 NEW SECTION. Sec. 6. (1) "New fireworks item" means any fireworks
6 initially classified or reclassified as special or common fireworks by
7 the United States bureau of explosives or in the regulations of the
8 United States department of transportation after the effective date of
9 this act.

10 (2) The director of community, trade, and economic development
11 through the director of fire protection shall classify any new
12 fireworks item in the same manner as the item is classified by the
13 United States bureau of explosives or in the regulations of the United
14 States department of transportation, unless the director of community,
15 trade, and economic development through the director of fire protection
16 determines, stating reasonable grounds, that the item should not be so
17 classified.

18 NEW SECTION. Sec. 7. No fireworks may be sold or offered for sale
19 to the public as common fireworks which are classified as sky rockets,
20 or missile-type rockets, firecrackers, salutes, or chasers as defined
21 by the United States department of transportation and the federal
22 consumer products safety commission except as provided in RCW
23 70.77.311.

24 **Sec. 8.** RCW 70.77.146 and 1994 c 133 s 1 are each amended to read
25 as follows:

26 "Special effects" means any combination of chemical elements or
27 chemical compounds capable of burning independently of the oxygen of
28 the atmosphere, and designed and intended to produce an audible,
29 visual, mechanical, or thermal effect as an integral part of a motion
30 picture, radio ~~((or))~~, television ~~((production))~~, theatrical, or opera
31 production, or live entertainment.

32 **Sec. 9.** RCW 70.77.180 and 1984 c 249 s 5 are each amended to read
33 as follows:

34 "Permit" means the official permission granted by a local public
35 agency for the purpose of establishing and maintaining a place within

1 the jurisdiction of the local agency where fireworks are manufactured,
2 constructed, produced, packaged, stored, sold, (~~exchanged, discharged~~
3 ~~or used~~) or exchanged and the official permission granted by a local
4 agency for a public display of fireworks.

5 **Sec. 10.** RCW 70.77.200 and 1961 c 228 s 17 are each amended to
6 read as follows:

7 "Importer" includes any person who for any purpose other than
8 personal use:

9 (1) Brings fireworks into this state or causes fireworks to be
10 brought into this state;

11 (2) Procures the delivery or receives shipments of any fireworks
12 into this state; or

13 (3) Buys or contracts to buy fireworks for shipment into this
14 state.

15 **Sec. 11.** RCW 70.77.205 and 1961 c 228 s 18 are each amended to
16 read as follows:

17 "Manufacturer" includes any person who manufactures, makes,
18 constructs, fabricates, or produces any fireworks article or device but
19 does not include persons who assemble or fabricate sets or mechanical
20 pieces in public displays of fireworks or persons who assemble common
21 fireworks items or sets or packages containing common fireworks items.

22 **Sec. 12.** RCW 70.77.250 and 1986 c 266 s 100 are each amended to
23 read as follows:

24 (1) The director of community, trade, and economic development,
25 through the director of fire protection, shall enforce and administer
26 this chapter.

27 (2) The director of community, trade, and economic development,
28 through the director of fire protection, shall appoint such deputies
29 and employees as may be necessary and required to carry out the
30 provisions of this chapter.

31 (3) The director of community, trade, and economic development,
32 through the director of fire protection, may prescribe such rules
33 relating to fireworks as may be necessary for (~~the protection of life~~
34 ~~and property and for~~) the implementation of this chapter.

35 (4) The director of community, trade, and economic development,
36 through the director of fire protection, shall prescribe such rules as

1 may be necessary to ensure state-wide minimum standards for the
2 enforcement of this chapter. Counties, cities, and towns shall comply
3 with such state rules. Any local rules adopted by local authorities
4 that are more restrictive than state law (~~(as to the types of fireworks~~
5 ~~that may be sold)~~) shall have an effective date no sooner than one year
6 after their adoption.

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

13 **Sec. 13.** RCW 70.77.255 and 1994 c 133 s 4 are each amended to read
14 as follows:

15 (1) Except as otherwise provided in this chapter, no person,
16 without an appropriate state license or permit may:

17 (a) Manufacture, import, possess, or sell any fireworks at
18 wholesale or retail for any use;

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

20 (c) Transport fireworks, except as a public carrier delivering to
21 a licensee.

22 (2) Except as authorized by a license and permit under subsection
23 (1)(b) of this section or as provided in RCW 70.77.311, no person may
24 discharge special fireworks at any place.

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

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

29 **Sec. 14.** RCW 70.77.270 and 1994 c 133 s 6 are each amended to read
30 as follows:

31 (1) The governing body of a city or county ((may)) shall grant ((or
32 deny)) an application for a permit under RCW 70.77.260(1)((. —The
33 governing body may place reasonable conditions on any permit it
34 issues)) unless the application does not meet the standards under this
35 chapter or the city or county has enacted an ordinance which prohibits
36 retail sales of fireworks and which is consistent with the requirements
37 of RCW 70.77.250(4).

1 (2) The director of community, trade, and economic development
2 through the director of fire protection shall prescribe uniform, state-
3 wide standards for retail fireworks stands. All cities and counties
4 which allow retail fireworks sales shall comply with these standards.

5 (3) No retail fireworks permit may be issued to any applicant
6 unless the retail fireworks stand is covered by a commercial general
7 liability insurance policy in an amount of not less than five hundred
8 thousand dollars per event, unless such insurance is not readily
9 available from at least three approved insurance companies. If
10 insurance in this amount is not offered, each fireworks permit shall be
11 covered by a commercial general liability insurance policy in the
12 maximum amount offered by at least three different approved insurance
13 companies.

14 No wholesaler may knowingly sell or supply fireworks to any retail
15 fireworks stand unless the wholesaler determines that the retail
16 fireworks stand is covered by commercial general liability insurance in
17 the same amount as provided in this subsection.

18 (4) The requirements for a retail fireworks stand are as follows:

19 (a) Fireworks sold at retail shall be sold only in temporary
20 roadside stands used at the same time for no other purpose.

21 (b) A stand shall be either located at least three hundred feet
22 from another fireworks stand or separated from another fireworks stand
23 by a major arterial thoroughfare at least sixty feet in width.

24 (c) A stand shall be located at least one hundred feet from any
25 flammable liquid dispensing device or installation.

26 (d) Except as provided in (b) of this subsection, a stand shall be
27 located at least fifty feet from any building but shall not be required
28 to be more than one hundred feet from any structure.

29 (e) A stand shall be accessible from an improved public street or
30 thoroughfare.

31 (f) The area around the stand shall be completely free of hazardous
32 accumulations, including but not limited to dry grass, brush, or debris
33 of any nature, for a distance of not less than twenty-five feet on all
34 sides.

35 (g) Each stand shall have at least two exits located at opposite
36 ends of the stand and both exits shall be unlocked while the stand is
37 occupied.

38 (h) The stand shall be equipped with at least two approved two and
39 one-half gallon water type or equivalent fire extinguishers.

1 (i) No heating device of any kind is permitted in the stand.

2 (j) No smoking signs shall be prominently posted on the stand and
3 in the vicinity of the stand. Smoking shall not be permitted within
4 twenty-five feet of the stand.

5 (k) Motor vehicles shall not be parked within twenty-five feet of
6 a fireworks stand. No cooking or heating may occur in a motor vehicle
7 located within fifty feet of a fireworks stand.

8 (l) Fireworks shall not be discharged within fifty feet of a
9 fireworks stand. Signs to this effect shall be posted conspicuously at
10 the stand.

11 (m) When transporting fireworks from warehouses to stands all
12 federal and state transportation requirements must be met.

13 (n) No fireworks may be stored outside the stand in any vehicle,
14 trailer, or camper less than twenty-five feet from the stand. If the
15 stand is left unattended during hours of darkness, all fireworks shall
16 be securely locked in the fireworks stand.

17 (o) Stands shall be under the direct supervision of a competent
18 adult eighteen years of age or older at all times. The location of the
19 closest telephone must be prominently posted within the stand.
20 Overnight sleeping in a stand is prohibited. Any trailer, camper, or
21 vehicle shall be at least twenty-five feet from the stand at all times.

22 (p) A clear aisle or walkway shall be maintained inside the stand
23 for the full length of the stand.

24 (5) For purposes of this section, "stand" also includes a tent or
25 building.

26 **Sec. 15.** RCW 70.77.280 and 1994 c 133 s 7 are each amended to read
27 as follows:

28 The local fire official receiving an application for a permit under
29 RCW 70.77.260(2) for a public display of fireworks shall investigate
30 whether the character and location of the display as proposed would be
31 hazardous to property or dangerous to any person. Based on the
32 investigation, the official shall submit a report of findings and a
33 recommendation for or against the issuance of the permit, together with
34 reasons, to the governing body of the city or county. The governing
35 body ~~((may)) shall grant ((or deny)) the application ((and may place~~
36 ~~reasonable conditions on any permit it issues))~~ if it meets the
37 requirements of this chapter and the ordinance of the city or county.

1 **Sec. 16.** RCW 70.77.285 and 1984 c 249 s 15 are each amended to
2 read as follows:

3 Except as provided in RCW 70.77.355, the applicant for a permit
4 under RCW 70.77.260(2) for a public display of fireworks shall include
5 with the application evidence of a bond issued by an authorized surety
6 company. The bond shall be in the amount required by RCW 70.77.295 and
7 shall be conditioned upon the applicant's payment of all damages to
8 persons or property resulting from or caused by such public display of
9 fireworks, or any negligence on the part of the applicant or its
10 agents, servants, employees, or subcontractors in the presentation of
11 the display. Instead of a bond, the applicant may include a
12 certificate of insurance authenticated by the director of community,
13 trade, and economic development, through the director of fire
14 protection, with the advice and consultation of the office of the
15 insurance commissioner, as meeting the requirements of this chapter and
16 evidencing the carrying of appropriate ((public)) commercial general
17 liability insurance in the amount required by RCW 70.77.295 for the
18 benefit of the person named therein as assured, as evidence of ability
19 to respond in damages. The local fire official receiving the
20 application shall approve the bond or insurance if it meets the
21 requirements of this section.

22 **Sec. 17.** RCW 70.77.311 and 1984 c 249 s 19 are each amended to
23 read as follows:

24 (1) No license is required for the purchase of agricultural and
25 wildlife fireworks by government agencies if:

26 (a) The agricultural and wildlife fireworks are used for wildlife
27 control or are distributed to farmers, ranchers, or growers through a
28 wildlife management program administered by the United States
29 department of the interior or an equivalent state or local governmental
30 agency;

31 (b) The distribution is in response to a written application
32 describing the wildlife management problem that requires use of the
33 devices;

34 (c) It is of no greater quantity than necessary to control the
35 described problem; and

36 (d) It is limited to situations where other means of control are
37 unavailable or inadequate.

1 (2) No license is required for religious organizations or private
2 organizations or persons to purchase or use common fireworks and such
3 audible ground devices as firecrackers, salutes, and chasers if:

4 (a) Purchased from a licensed manufacturer, importer, or
5 wholesaler;

6 (b) For use on prescribed dates and locations;

7 (c) For religious or specific purposes; and

8 (d) A permit is obtained from the local fire official. No fee may
9 be charged for this permit.

10 **Sec. 18.** RCW 70.77.315 and 1986 c 266 s 102 are each amended to
11 read as follows:

12 Any person who desires to engage in the manufacture, importation,
13 sale, or use of fireworks, except use as provided in RCW 70.77.255(4)
14 and 70.77.311, shall make a written application to the director of
15 community, trade, and economic development, through the director of
16 fire protection, on forms provided by him or her. Such application
17 shall be accompanied by the annual license fee as prescribed in this
18 chapter.

19 **Sec. 19.** RCW 70.77.343 and 1991 c 135 s 6 are each amended to read
20 as follows:

21 (~~{(1)}~~) (1) License fees, in addition to the fees in RCW
22 70.77.340, shall be charged as follows:

23	Manufacturer	\$ 1,500.00
24	Importer	900.00
25	Wholesaler	1,000.00
26	Retailer (for each separate outlet)	30.00
27	Public display for special fireworks	40.00
28	Pyrotechnic operator for special fireworks	5.00

29 (2) All receipts from the license fees in this section shall be
30 placed in the fire services trust fund and at least seventy-five
31 percent of these receipts shall be used to fund a state-wide public
32 education campaign developed by the department and the licensed
33 fireworks industry emphasizing the safe and responsible use of legal
34 fireworks and the remaining receipts shall be used to fund state-wide
35 enforcement efforts against the sale and use of fireworks that are
36 illegal under this chapter.

1 **Sec. 20.** RCW 70.77.345 and 1991 c 135 s 5 are each amended to read
2 as follows:

3 (~~The~~) Every license (~~fees~~) issued shall be for the calendar
4 year from January 1st to December 31st or for the remaining portion
5 thereof of the calendar year for which the license application is made.

6 **Sec. 21.** RCW 70.77.375 and 1986 c 266 s 108 are each amended to
7 read as follows:

8 The director of community, trade, and economic development, through
9 the director of fire protection, upon reasonable opportunity to be
10 heard, (~~shall~~) may revoke any license issued pursuant to this
11 chapter, if he or she finds that:

12 (1) The licensee has violated any provisions of this chapter or any
13 rule or regulations made by the director of community, trade, and
14 economic development, through the director of fire protection, under
15 and with the authority of this chapter;

16 (2) The licensee has created or caused a fire nuisance;

17 (3) Any licensee has failed or refused to file any required
18 reports; or

19 (4) Any fact or condition exists which, if it had existed at the
20 time of the original application for such license, reasonably would
21 have warranted the director of community, trade, and economic
22 development, through the director of fire protection, in refusing
23 originally to issue such license.

24 **Sec. 22.** RCW 70.77.395 and 1984 c 249 s 24 are each amended to
25 read as follows:

26 (~~Except as provided in RCW 70.77.311, no~~) It is legal to sell,
27 purchase, use, and discharge common fireworks (~~shall be sold or~~
28 ~~discharged~~) within this state (~~except~~) from twelve o'clock noon on
29 the twenty-eighth of June to twelve o'clock noon on the sixth of July
30 of each year and as provided in RCW 70.77.311. However, no common
31 fireworks may be sold or discharged between the hours of eleven o'clock
32 p.m. and nine o'clock a.m., except on July 4th from nine o'clock a.m.
33 through twelve o'clock midnight, and except from six o'clock p.m. on
34 December 31st until one o'clock a.m. on January 1st of the subsequent
35 year.

1 **Sec. 23.** RCW 70.77.435 and 1994 c 133 s 11 are each amended to
2 read as follows:

3 Any fireworks which are illegally sold, offered for sale, used,
4 discharged, possessed or transported in violation of the provisions of
5 this chapter or the rules or regulations of the director of community,
6 trade, and economic development, through the director of fire
7 protection, shall be subject to seizure by the director of community,
8 trade, and economic development, through the director of fire
9 protection, or his or her deputy, or by state agencies or local
10 governments having general law enforcement authority. Any fireworks
11 seized (~~(under this section)~~) by legal process anywhere in the state
12 may be disposed of by the director of community, trade, and economic
13 development, through the director of fire protection, or the agency
14 conducting the seizure, by summary destruction at any time subsequent
15 to thirty days from such seizure or ten days from the final termination
16 of proceedings under the provisions of RCW 70.77.440, whichever is
17 later.

18 **Sec. 24.** RCW 70.77.440 and 1994 c 133 s 12 are each amended to
19 read as follows:

20 ~~(1) ((Any person whose fireworks are seized under the provisions of~~
21 ~~RCW 70.77.435 may within ten days after such seizure petition the~~
22 ~~agency conducting the seizure to return the fireworks seized upon the~~
23 ~~ground that such fireworks were illegally or erroneously seized. Any~~
24 ~~petition filed hereunder shall be considered by the authority~~
25 ~~conducting the seizure within fifteen days after filing and an oral~~
26 ~~hearing granted the petitioner, if requested. Hearings shall be~~
27 ~~conducted in accordance with state law or chapter 34.05 RCW. Notice of~~
28 ~~the decision of the authority conducting the hearing shall be served~~
29 ~~upon the petitioner. The authority conducting the hearing may order~~
30 ~~the fireworks seized under this chapter disposed of or returned to the~~
31 ~~petitioner if illegally or erroneously seized. The determination of~~
32 ~~the authority conducting the hearing is final unless within sixty days~~
33 ~~an action is commenced in a court of competent jurisdiction in the~~
34 ~~state of Washington for the recovery of the fireworks seized under this~~
35 ~~chapter.~~

36 ~~(2) If the fireworks are not returned to the petitioner or~~
37 ~~destroyed pursuant to RCW 70.77.435, the director of community, trade,~~
38 ~~and economic development, through the director of fire protection, or~~

1 the agency conducting the seizure may sell confiscated common
2 fireworks, special fireworks, and chemicals used to make fireworks,
3 that are legal for use and possession under this chapter, to
4 wholesalers or manufacturers, authorized to possess and use such
5 fireworks or chemicals under a license issued by the director of
6 community, trade, and economic development, through the director of
7 fire protection.)) In the event of seizure under RCW 70.77.435,
8 proceedings for forfeiture shall be deemed commenced by the seizure.
9 The director of community, trade, and economic development or deputy
10 director of community, trade, and economic development, through the
11 director of fire protection or the agency conducting the seizure, under
12 whose authority the seizure was made shall cause notice to be served
13 within fifteen days following the seizure on the owner of the fireworks
14 seized and the person in charge thereof and any person having any known
15 right or interest therein, of the seizure and intended forfeiture of
16 the seized property. The notice may be served by any method authorized
17 by law or court rule including but not limited to service by certified
18 mail with return receipt requested. Service by mail shall be deemed
19 complete upon mailing within the fifteen-day period following the
20 seizure.

21 (2) If no person notifies the director of community, trade, and
22 economic development, through the director of fire protection or the
23 agency conducting the seizure, in writing of the person's claim of
24 lawful ownership or right to lawful possession of seized fireworks
25 within thirty days of the seizure, the seized fireworks shall be deemed
26 forfeited.

27 (3) If any person notifies the director of community, trade, and
28 economic development, through the director of fire protection or the
29 agency conducting the seizure, in writing of the person's claim of
30 lawful ownership or possession of the fireworks within thirty days of
31 the seizure, the person or persons shall be afforded a reasonable
32 opportunity to be heard as to the claim or right. The hearing shall be
33 before an administrative law judge appointed under chapter 34.12 RCW,
34 except that any person asserting a claim or right may remove the matter
35 to a court of competent jurisdiction if the aggregate value of the
36 seized fireworks is more than five hundred dollars. The hearing before
37 an administrative law judge and any appeal therefrom shall be under
38 Title 34 RCW. In a court hearing between two or more claimants to the
39 article or articles involved, the prevailing party shall be entitled to

1 a judgment for costs and reasonable attorneys' fees. The burden of
2 producing evidence shall be upon the person claiming to have the lawful
3 right to possession of the seized fireworks. The director of
4 community, trade, and economic development, through the director of
5 fire protection or the agency conducting the seizure, shall promptly
6 return the fireworks to the claimant upon a determination by the
7 administrative law judge or court that the claimant is lawfully
8 entitled to possession of the fireworks.

9 (4) When fireworks are forfeited under this chapter the director of
10 community, trade, and economic development, through the director of
11 fire protection or the agency conducting the seizure, may:

12 (a) Dispose of the fireworks by summary destruction; or

13 (b) Sell the forfeited fireworks and chemicals used to make
14 fireworks, that are legal for use and possession under this chapter, to
15 wholesalers or manufacturers, authorized to possess and use such
16 fireworks or chemicals under a license issued by the director of
17 community, trade, and economic development, through the director of
18 fire protection. Sale shall be by public auction after publishing a
19 notice of the date, place, and time of the auction in a newspaper of
20 general circulation in the county in which the auction is to be held,
21 at least three days before the date of the auction. The proceeds of
22 the sale of the seized fireworks under this section shall be deposited
23 in the ((general fund. ~~Fireworks that are not legal for use and~~
24 ~~possession in this state shall be destroyed by the director of~~
25 ~~community, trade, and economic development, through the director of~~
26 ~~fire protection, or by the agency conducting the seizure)) fire~~
27 services trust fund and shall be used for the same purposes and in the
28 same percentages as specified in RCW 70.77.343.

29 **Sec. 25.** RCW 70.77.455 and 1986 c 266 s 114 are each amended to
30 read as follows:

31 (1) All licensees shall maintain and make available to the director
32 of community, trade, and economic development, through the director of
33 fire protection, full and complete records showing all production,
34 imports, exports, purchases, and sales((, ~~and consumption~~)) of
35 fireworks items by ((~~kind and~~)) class.

36 (2) All records obtained and all reports produced, as required by
37 this chapter, are not subject to disclosure through the public
38 disclosure act under chapter 42.17 RCW.

1 **Sec. 26.** RCW 70.77.555 and 1982 c 230 s 44 are each amended to
2 read as follows:

3 A local public agency may provide by ordinance for a ((~~permit~~)) fee
4 in an amount sufficient to cover all legitimate ((~~administrative~~))
5 costs for ((~~permit~~)) all needed permits and local licenses from
6 application to and through processing, issuance, and inspection, but in
7 no case to exceed one hundred dollars for any one year.

8 NEW SECTION. **Sec. 27.** No person, firm, partnership, or
9 corporation may knowingly advertise for sale fireworks which are
10 unlawful pursuant to this chapter.

11 NEW SECTION. **Sec. 28.** (1) Every wholesaler shall carry commercial
12 general liability insurance for each wholesale and retail fireworks
13 outlet it operates in the amount of not less than five hundred thousand
14 dollars per event, unless such insurance is not available from at least
15 three approved insurance companies. If insurance in this amount is not
16 offered, each wholesale and retail outlet shall be covered by a
17 commercial general liability insurance policy in the maximum amount
18 offered by at least three different approved insurance companies.

19 (2) No wholesaler may knowingly sell or supply fireworks to any
20 retail outlet unless the wholesaler determines that the retail outlet
21 carries commercial general liability insurance in the same amount as
22 provided in subsection (1) of this section.

23 NEW SECTION. **Sec. 29.** Retail fireworks licensees shall purchase
24 all fireworks from wholesalers possessing a valid wholesale license
25 issued by the state of Washington.

26 NEW SECTION. **Sec. 30.** No port district, fire department, or fire
27 protection district may limit by restrictions on total weight or number
28 of containers or any other means the amount of common fireworks
29 destined for, or unloaded at, any port in the state of Washington:
30 PROVIDED, That a port district may prescribe reasonable rules to ensure
31 the safe handling of such cargo after it is unloaded at the port.

32 NEW SECTION. **Sec. 31.** Sections 1, 6, 7, and 27 through 30 of this
33 act are each added to chapter 70.77 RCW.

1 NEW SECTION. **Sec. 32.** A new section is added to chapter 42.17 RCW
2 to read as follows:

3 All records obtained and all reports produced, as required under
4 chapter 70.77 RCW, are not subject to the disclosure requirements under
5 this chapter.

6 NEW SECTION. **Sec. 33.** RCW 70.77.465 and 1986 c 266 s 116 & 1961
7 c 228 s 70 are each repealed.

8 NEW SECTION. **Sec. 34.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 35.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect immediately.

--- END ---