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SENATE BILL 5264

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Benton, Mullet, Baumgartner, and Sheldon

Read first time 01/24/13. Referred to Committee on Transportation.

1            AN ACT Relating to the transportation and storage of certain  
2 explosive devices; and amending RCW 70.74.191.

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

4            **Sec. 1.** RCW 70.74.191 and 2002 c 370 s 2 are each amended to read  
5 as follows:

6            The laws contained in this chapter and regulations prescribed by  
7 the department of labor and industries pursuant to this chapter shall  
8 not apply to:

9            (1) Explosives or blasting agents in the course of transportation  
10 by way of railroad, water, highway, or air under the jurisdiction of,  
11 and in conformity with, regulations adopted by the federal department  
12 of transportation, the Washington state utilities and transportation  
13 commission, and the Washington state patrol;

14            (2) The laboratories of schools, colleges, and similar institutions  
15 if confined to the purpose of instruction or research and if not  
16 exceeding the quantity of one pound;

17            (3) Explosives in the forms prescribed by the official United  
18 States Pharmacopoeia;

1 (4) The transportation, storage, and use of explosives or blasting  
2 agents in the normal and emergency operations of United States agencies  
3 and departments including the regular United States military  
4 departments on military reservations; arsenals, navy yards, depots, or  
5 other establishments owned by, operated by, or on behalf of, the United  
6 States; or the duly authorized militia of any state; or to emergency  
7 operations of any state department or agency, any police, or any  
8 municipality or county;

9 (5) A hazardous devices technician when carrying out normal and  
10 emergency operations, handling evidence, and operating and maintaining  
11 a specially designed emergency response vehicle that carries no more  
12 than ten pounds of explosive material or when conducting training and  
13 whose employer possesses the minimum safety equipment prescribed by the  
14 federal bureau of investigation for hazardous devices work. For  
15 purposes of this section, a hazardous devices technician is a person  
16 who is a graduate of the federal bureau of investigation hazardous  
17 devices school and who is employed by a state, county, or municipality;

18 (6) The importation, sale, possession, and use of fireworks as  
19 defined in chapter 70.77 RCW, signaling devices, flares, fuses, and  
20 torpedoes;

21 (7) The transportation, storage, and use of explosives or blasting  
22 agents in the normal and emergency avalanche control procedures as  
23 conducted by trained and licensed ski area operator personnel.  
24 However, the storage, transportation, and use of explosives and  
25 blasting agents for such use shall meet the requirements of regulations  
26 adopted by the director of labor and industries;

27 (8) The storage of consumer fireworks as defined in chapter 70.77  
28 RCW pursuant to a forfeiture or seizure under chapter 70.77 RCW by the  
29 chief of the Washington state patrol, through the director of fire  
30 protection, or his or her deputy, or by state agencies or local  
31 governments having general law enforcement authority; ((and))

32 (9) The transportation and storage of explosive actuated tactical  
33 devices, including noise and flash diversionary devices, by local law  
34 enforcement tactical response teams and officers in law enforcement  
35 department-issued vehicles designated for use by tactical response  
36 teams and officers, provided the explosive devices are stored and  
37 secured in compliance with standards and conditions adopted by the  
38 federal bureau of alcohol, tobacco, firearms and explosives; and

1        (10) Any violation under this chapter if any existing ordinance of  
2 any city, municipality, or county is more stringent than this chapter.

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