
HOUSE BILL 2387

State of Washington 64th Legislature 2016 Regular Session

By Representative S. Hunt

Read first time 01/12/16. Referred to Committee on Public Safety.

1 AN ACT Relating to flamethrowing devices; adding a new section to
2 chapter 43.43 RCW; adding a new chapter to Title 70 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Director of fire protection" means the director of fire
9 protection appointed under RCW 43.43.938.

10 (2) "Flamethrowing device" means any nonstationary and
11 transportable device designed or intended to emit or propel a burning
12 stream of combustible or flammable liquid a distance of at least ten
13 feet.

14 (3) "Permitholder" means a person who holds a flamethrowing
15 device permit issued by the director of fire protection pursuant to
16 this chapter.

17 NEW SECTION. **Sec. 2.** Except as provided in section 3 of this
18 act, a person may not use or possess a flamethrowing device without a
19 valid flamethrowing device permit issued by the director of fire

1 protection. A violation of this section is a gross misdemeanor
2 punishable according to chapter 9A.20 RCW.

3 NEW SECTION. **Sec. 3.** This chapter does not apply to the sale,
4 purchase, possession, transportation, storage, or use of a
5 flamethrowing device by a person if all of the following apply:

6 (1) The person is regularly employed by or a paid officer or
7 employee of a fire department, fire protection district, or
8 firefighting agency of the federal government, the state, a city or
9 county, a municipal corporation, or other political subdivision of
10 the state;

11 (2) The person is on duty and acting within the course and scope
12 of the person's employment; and

13 (3) The flamethrowing device is used in the course of fire
14 suppression.

15 NEW SECTION. **Sec. 4.** The director of fire protection:

16 (1) Must establish by rule standards for the issuance and renewal
17 of flamethrowing device permits, including background investigation
18 requirements. At a minimum, the standards must require that:

19 (a) The applicant or permitholder is not addicted to any
20 controlled substance; and

21 (b) The applicant or permitholder is not prohibited from
22 possessing a firearm under state or federal law;

23 (2) Must establish by rule standards for the use, storage, and
24 transportation of flamethrowing devices; and

25 (3) May designate by rule fees for flamethrowing device permits
26 and permit renewals at the level necessary to cover the costs of
27 administering and enforcing the permit program.

28 NEW SECTION. **Sec. 5.** (1) The director of fire protection shall
29 revoke a flamethrowing device permit if the permitholder does not
30 comply with the requirements of this chapter and the rules adopted
31 pursuant to this chapter.

32 (2) If the director of fire protection denies an application or
33 renewal application for a flamethrowing device permit, or revokes a
34 flamethrowing device permit, the applicant or permitholder is
35 entitled to an administrative hearing pursuant to chapter 34.05 RCW.

1 NEW SECTION. **Sec. 6.** The director of fire protection must seize
2 any flamethrowing device found in the possession of a person who does
3 not have a valid flamethrowing device permit issued pursuant to this
4 chapter and who is not otherwise authorized to possess a
5 flamethrowing device under section 3 of this act.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.43
7 RCW to read as follows:

8 The director of fire protection shall adopt rules and carry out
9 other requirements related to flamethrowing devices as designated
10 under chapter 70.--- RCW (the new chapter created in section 8 of
11 this act).

12 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act
13 constitute a new chapter in Title 70 RCW.

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