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SENATE BILL 5914

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State of Washington

64th Legislature

2015 Regular Session

By Senators Benton, Padden, Miloscia, Keiser, Conway, Roach, Warnick, Hewitt, Hatfield, Angel, Ericksen, Hobbs, and O'Ban

Read first time 02/10/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to clarifying and restating the scope of local  
2 authority regarding regulation of fireworks by adopting uniform  
3 statewide standards and rules that continue the current limited scope  
4 of local authority; amending RCW 70.77.250 and 70.77.270; and  
5 declaring an emergency.

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

7 **Sec. 1.** RCW 70.77.250 and 2002 c 370 s 19 are each amended to  
8 read as follows:

9 (1) The chief of the Washington state patrol, through the  
10 director of fire protection, shall enforce and administer this  
11 chapter.

12 (2) The chief of the Washington state patrol, through the  
13 director of fire protection, shall appoint such deputies and  
14 employees as may be necessary and required to carry out the  
15 provisions of this chapter.

16 (3) The chief of the Washington state patrol, through the  
17 director of fire protection, shall adopt those rules relating to  
18 fireworks as are necessary for the implementation of this chapter.

19 (4) The chief of the Washington state patrol, through the  
20 director of fire protection, shall adopt those rules as are necessary  
21 to ensure statewide ((minimum)) standards for the enforcement of this

1 chapter. Counties and cities shall comply with these ((state))  
2 statewide standards and rules. A county or a city may enact an  
3 ordinance that is more restrictive than state law as to the days and  
4 hours of legal sale of consumer fireworks, the days and hours of  
5 legal use of consumer fireworks, and types of consumer fireworks that  
6 may be sold and used within the geographical boundary of that county  
7 or city. Any ordinance((s)) adopted by a county or a city that  
8 ((are)) is more restrictive than state law as authorized by this  
9 section shall have an effective date no sooner than one year after  
10 their adoption. Any provision of any ordinance, standard, rule, or  
11 regulation adopted by a county or a city that is in conflict with the  
12 provisions of this chapter is null and void and shall have no effect.  
13 The chief of the Washington state patrol, through the director of  
14 fire protection, shall enforce this section and this chapter.

15 (5) The chief of the Washington state patrol, through the  
16 director of fire protection, may exercise the necessary police powers  
17 to enforce the criminal provisions of this chapter. This grant of  
18 police powers does not prevent any other state agency and city,  
19 county, or local government agency having general law enforcement  
20 powers from enforcing this chapter within the jurisdiction of the  
21 agency and city, county, or local government.

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

28 (7) The chief of the Washington state patrol, through the  
29 director of fire protection, may investigate or cause to be  
30 investigated all fires resulting, or suspected of resulting, from the  
31 use of fireworks.

32 **Sec. 2.** RCW 70.77.270 and 2002 c 370 s 22 are each amended to  
33 read as follows:

34 (1) The governing body of a city or county, or a designee, shall  
35 grant an application for a permit under RCW 70.77.260(1) if the  
36 application meets the standards under this chapter, and the  
37 applicable ordinances of the city or county. The permit shall be  
38 granted by June 10, or no less than thirty days after receipt of an  
39 application whichever date occurs first, for sales commencing on June

1 28 and on December 27; or by December 10, or no less than thirty days  
2 after receipt of an application whichever date occurs first, for  
3 sales commencing only on December 27.

4 (2) NFPA 1124: Code for the manufacture, transportation, storage,  
5 and retail sales of fireworks and pyrotechnic articles, 2013 edition  
6 as published in August 2012, by the national fire protection  
7 association, is adopted in its entirety and without amendment. The  
8 chief of the Washington state patrol, through the director of fire  
9 protection, shall prescribe uniform, statewide standards and rules as  
10 may be required to implement and to give full effect to all of the  
11 provisions of this chapter for all requirements for retail fireworks  
12 stands (~~including, but not limited to, the location of the stands,~~  
13 ~~setback requirements and siting of the stands, types of buildings and~~  
14 ~~construction material that may be used for the stands, use of the~~  
15 ~~stands and areas around the stands, cleanup of the area around the~~  
16 ~~stands, transportation of fireworks to and from the stands, and~~  
17 ~~temporary storage of fireworks associated with the retail fireworks~~  
18 ~~stands)). All cities and counties (~~which~~) that allow retail  
19 fireworks sales shall comply with these standards. Any provision of  
20 any ordinance, standard, rule, or regulation adopted by a county or a  
21 city that is in conflict with the provisions of this chapter is null  
22 and void and shall have no effect. The chief of the Washington state  
23 patrol, through the director of fire protection shall enforce this  
24 section and this chapter.~~

25 (3) No retail fireworks permit may be issued to any applicant  
26 unless the retail fireworks stand is covered by a liability insurance  
27 policy with coverage of not less than fifty thousand dollars and five  
28 hundred thousand dollars for bodily injury liability for each person  
29 and occurrence, respectively, and not less than fifty thousand  
30 dollars for property damage liability for each occurrence, unless  
31 such insurance is not readily available from at least three approved  
32 insurance companies. If insurance in this amount is not offered, each  
33 fireworks permit shall be covered by a liability insurance policy in  
34 the maximum amount offered by at least three different approved  
35 insurance companies.

36 (4) No wholesaler may knowingly sell or supply fireworks to any  
37 retail fireworks licensee unless the wholesaler determines that the  
38 retail fireworks licensee is covered by liability insurance in the  
39 same, or greater, amount as provided in this subsection.

1        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of  
3 the state government and its existing public institutions, and takes  
4 effect immediately.

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