

**WAC 212-17-465 Violation types and penalty assessments.** (1) The state fire marshal may impose a different penalty than the standard penalties outlined in WAC 212-17-515 based on the following mitigating or aggravating circumstances:

(a) Mitigating circumstances are those that may result in fewer days of suspension or a lower monetary penalty assessed. A licensee may demonstrate by implementation of safety or business policies or practices that reduce the risk of future violations. Examples include, but are not limited to:

(i) Having a signed acknowledgment of the practice on file for each employee;

(ii) Having an employee training plan that includes annual training on fireworks laws.

(b) Aggravating circumstances are those that will result in increased days of suspension, increased monetary penalties, or revocation of a fireworks license. Examples include, but are not limited to:

(i) Business operations or behaviors that create an increased risk for a violation;

(ii) Repeated importation of fireworks that do not meet the standards when inspected by the U.S. Consumer Product Safety Commission;

(iii) Intentional commission of a violation;

(iv) Disregard for the safety of others that may or may not have resulted in an actual injury; or

(v) Repeated offenses where citations have been issued for the same violation during a given time period.

(c) In addition to the examples in (a) and (b) of this subsection, the state fire marshal will provide and maintain a list of business practices for reference as examples where business policies or practices may constitute mitigating or aggravating circumstances. This list will not be all inclusive for determining mitigating or aggravating circumstances, and may be modified by the state fire marshal. The list will be accessible to all stakeholders and the general public via the internet.

(2) The state fire marshal may offer a monetary option in lieu of suspension based on mitigating circumstances during a settlement conference as outlined in this chapter.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-465, filed 11/3/15, effective 1/1/16. Statutory Authority: Chapters 43.43 and 70.77 RCW. WSR 05-12-033, § 212-17-465, filed 5/24/05, effective 6/24/05.]