

FINAL BILL REPORT

SHB 2642

C 133 L 94
Synopsis as Enacted

Brief Description: Modifying fireworks enforcement protection services.

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey and Lisk; by request of Department of Community Development).

House Committee on Commerce & Labor
Senate Committee on Labor & Commerce

Background: In 1993, legislation was enacted merging the Department of Community Development and the Department of Trade and Economic Development into the Department of Community, Trade, and Economic Development. The director of fire protection is within the Department of Community Development and is responsible for enforcement of the fireworks code.

In the fireworks code, the definition of "special effects" covers effects that are a necessary part of a motion picture, radio or television production, theatrical production, or opera. It is not clear whether fireworks at sporting events are covered. The word "city," as used in the code, is not defined.

There is some dispute over whether a fire protection district has the authority to deny a permit when a city government or a county government has already issued a permit.

A person must have a license to manufacture, import, possess, sell, display or transport fireworks, unless the activity is exempted from the license requirement. Any applicant who has been denied a license is entitled to a hearing in accordance with the Administrative Procedure Act.

The department may seize and dispose of illegal fireworks, but must provide an opportunity for a hearing. Disposal may include sale to a fireworks wholesaler.

Summary: References in the fireworks code to the Department of Community Development are changed to the Department of Community, Trade, and Economic Development.

The fireworks code definition of "special effects" is amended to cover effects that are an integral part of a motion picture, radio or television production, or live entertainment. "City" is defined as any city or town.

All provisions in the fireworks code referring to the regulatory and permitting authority of local fire protection districts are stricken.

License application requirements are clarified. An applicant who has been denied a license is still entitled to a hearing, unless the denial was based on the failure to apply on time.

Illegal fireworks may be seized by the Department of Community, Trade, and Economic Development or by state agencies or local governments having general law enforcement authority. The agency that seizes illegal fireworks is allowed to sell them to manufacturers who are authorized to possess and use them. If illegal fireworks are seized by a law enforcement agency, the law enforcement agency must follow the same hearing procedures required of the department.

A statement is included in the fireworks code providing that the inclusion of criminal penalties in the fireworks code does not preclude enforcement through civil means.

The firearms and dangerous weapons statute is amended to provide that nothing in that statute prohibits the possession, sale, or use of fireworks when the fireworks are possessed, sold, or used in compliance with the fireworks code.

Other technical changes are made to the fireworks code.

Votes on Final Passage:

House	87	7
Senate	44	2

Effective: March 28, 1994