

# HOUSE BILL REPORT

## ESHB 2863

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**As Passed House:**

February 8, 1996

**Title:** An act relating to expanding days of sale while not changing days of use of common fireworks and clarifying other provisions of the existing state fireworks law.

**Brief Description:** Modifying fireworks statutes.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives McMorris, Cody, Horn, Conway, Carrell, Sheldon, Smith, Sterk, Morris, Fuhrman and Pelesky).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 1/29/96, 2/1/96 [DPS].

**Floor Activity:**

Passed House: 2/8/96, 89-2.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives McMorris, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith; Horn and Lisk.

**Staff:** Pam Madson (786-7166).

**Background:** The State Explosives Act prohibits anyone from manufacturing, purchasing, selling, using, possessing, transporting, or storing explosives without having a valid license from the Department of Labor and Industries. Any person who violates this requirement is subject to a class C felony. For purposes of this requirement, explosives do not include fireworks.

Local governments must grant permits to manufacture, possess, sell, or transport fireworks if the applicant meets the standard of the state fireworks law. There is no time limit within which the permit must be granted.

A person must apply for an annual state license to sell fireworks at retail by June 10. Fireworks may be sold and used only during specified times each day, and only for a limited number of days during the Fourth of July holiday and the New Year's holiday.

A local fire official may grant or deny a permit for storing fireworks. Consideration must be given to the character and location of the proposed storage arrangement and whether the storage proposal poses a hazard to property or a danger to people.

Unsold fireworks remaining after the end of the sale period for the Fourth of July holiday on July 6 must be returned to an authorized storage facility by July 31. There is no date specified for the return to authorized storage of unsold fireworks after the sale period for the New Year's holiday.

A local public agency may charge a fee to cover all legitimate costs for necessary permits and local licenses. That fee may not exceed \$100.

**Summary of Bill:** A person is prohibited from knowingly manufacturing, importing, transporting, storing, selling, or possessing with intent to sell, explosives as fireworks without the appropriate state licenses and local government permits. Violation of this provision is a gross misdemeanor, punishable by no less than 30 days in jail, and a fine of no less than \$5,000. The minimum sentence cannot be suspended or deferred.

A permit granted by a local jurisdiction for the manufacture, possession, sale, or transport of fireworks must be granted by June 10 within 30 days of receiving the application, whichever occurs first.

A person must apply by May 1 for an annual state license to sell fireworks at retail. Fireworks may be legally sold to the public for an additional period of time during the 4th of July holiday, beginning at 9:00 a.m. on June 28, and ending at 12:00 noon on July 6. Fireworks may also be sold for an additional four days during the New Year's holiday, beginning at 9:00 a.m. on December 27, and ending at 11:00 p.m. on December 31.

Hours during which fireworks may be used are extended for June 28, July 4, and July 6 of each year.

When considering a permit for the temporary storage of fireworks in connection with the retail sale of fireworks, local fire officials must use the state-wide standards developed by the Washington State Patrol for retail fireworks stands.

Unsold fireworks remaining after 11:00 p.m. on December 31, must be returned to an authorized storage facility by January 10.

Cities and counties may charge fees for the retail sale of fireworks that include all legitimate costs for necessary permits and licenses. The fee must not exceed a total of \$100. Necessary costs, fees, and licenses include business, environmental impact and inspection costs, fees, and licenses. Cities and counties may charge fees for the public display of fireworks that include all necessary permits and licenses. The total fee may not exceed \$300.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** This bill contains an emergency clause and takes effect immediately.

**Testimony For:** There is a need to define a crime aimed at those who produce explosives and sell them as fireworks. Some of these items are sold on Indian reservations. It is recognized that this prohibition cannot affect the treaty tribes. This activity must be addressed at the level of large-quantity manufacture and the sale of large quantities for retail sales. Local governments still have the ability to ban the sale and use of fireworks. This bill would allow additional days of sale if authorized by local governments.

**Testimony Against:** None.

**Testified:** Otto Jensen, Washington Association of Fire Chiefs; Jerry Farley, Washington Independence Day Association; and (with concerns) Jim Justin, Association of Washington Cities.