

Chapter 204-90 WAC
MINIMUM REQUIREMENTS FOR
CONSTRUCTION AND EQUIPMENT OF SPECIAL
MOTOR VEHICLES

WAC
204-90-030 Definitions.

WAC 204-90-030 Definitions. (1) Special motor vehicles: Passenger vehicles, multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 10,000 pounds or less equipped with two or more axles having at least two wheels per axle and which are intended for use on public highways. The term "special motor vehicle" shall include the following types:

(a) Type I: Vehicles that retain or are exact replicas of the original body configuration of a recognized vehicle manufacturer with changes made to any of the equipment items specified in this chapter. This type shall also include vehicles that have been modified from a recognized vehicle manufacturer's original body chassis configuration but that retain the general appearance of the original body chassis.

(b) Type II: All special motor vehicles which are custom built with fabricated parts or parts taken from existing vehicles excluding Type I vehicles.

(c) Enclosed vehicle: Every Type I and Type II vehicle having a solid enclosed compartment for occupants as compared to an open or "soft top" convertible vehicle.

(2) Recognized manufacturer: A person, firm, co-partnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(3) FMVSS: Federal Motor Vehicle Safety Standard. Notwithstanding any other provisions of law, a vehicle or exact replica of a vehicle more than thirty years old owned and operated primarily as a collectors item and which has been restored to the original configuration and specifications of a recognized manufacturer is exempted from the requirements of this chapter.

[Statutory Authority: RCW 46.37.005. 88-01-017 (Order 87-03-ESR), § 204-90-030, filed 12/8/87; 83-11-028 (Order 83-05-01), § 204-90-030, filed 5/13/83.]

Chapter 204-91 WAC
TOWING BUSINESSES

WAC
204-91-050 Application.
204-91-060 Certificate of approval.

WAC 204-91-050 Application. Application for licensing as a registered tow truck operator shall be made on forms furnished by the department and shall be accompanied by an inspection certification from the Washington state patrol. Each separate business location requires a separate registration and inspection. The inspection form shall be furnished by the commission.

[Statutory Authority: RCW 46.37.005. 87-16-033 (Order 87-02-ESR), § 204-91-050, filed 7/27/87. Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-050, filed 10/1/85, effective 1/1/86.]

WAC 204-91-060 Certificate of approval. A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:

(1) The applicant has an established place of business at the address shown.

(2) The place of business has an office area that is accessible to the public without entering the storage area.

(3) The place of business has adequate and secure storage facilities as defined by rules of the department, where vehicles and their contents can be properly stored and protected.

(4) The applicant has proof of the following minimum insurance requirements:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence, and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(5) The information for the certificate of approval may be included in the inspection form that is completed by the inspector.

[Statutory Authority: RCW 46.37.005. 87-16-033 (Order 87-02-ESR), § 204-91-060, filed 7/27/87. Statutory Authority: 1985 c 377 and RCW 46.37.005. 85-20-100 (Order 003-85), § 204-91-060, filed 10/1/85, effective 1/1/86.]

Title 212 WAC
FIRE PROTECTION
(Formerly Fire Marshal)

- Chapters
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212-32 Nursing homes, standards for fire protection.
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Chapter 212-17 WAC
FIREWORKS

WAC

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PART I—GENERAL

WAC 212-17-001 Title. These rules shall be known as the "rules of the director of fire protection relating to fireworks," and may be cited as such.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-001, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-001, filed 11/2/82. Formerly chapter 212-16 WAC.]

WAC 212-17-010 Purpose. The purpose of these rules is to implement the state fireworks law, chapter 70.77 RCW, administered and enforced by the director of fire protection.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-010, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-010, filed 11/2/82.]

WAC 212-17-060 Public purchase of fireworks. (1) The public may purchase common fireworks only from licensed retail fireworks stands between noon, June 28th and noon, July 6th of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2) of this section.

(2) Religious organizations or private organizations or adult persons may be authorized to purchase common fireworks or such audible ground devices as firecrackers,

salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the director of fire protection and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks.

(3) The purchase or receipt of mail-order fireworks through any medium of either interstate or intrastate commerce is prohibited unless the purchaser has first obtained an importers license or has complied with the provisions of subsection (2) of this section.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-060, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-060, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-060, filed 11/2/82.]

PART II—MANUFACTURER

WAC 212-17-065 Fireworks manufacturer—General. Persons intending to manufacture fireworks in this state shall procure a license from the director of fire protection and a permit from the local governmental agency having jurisdiction prior to engaging in business. Applications for license shall be made on forms provided by the director of fire protection and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired. Fireworks manufacturers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the director of fire protection.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-065, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-065, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-065, filed 11/2/82.]

WAC 212-17-070 Fireworks manufacturer—Licensing. Upon receipt of application and license fee, the director of fire protection will cause an investigation to

be made. If the investigation discloses compliance with state laws governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the director of fire protection within ninety days following receipt of a properly submitted or amended application.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-070, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-070, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-070, filed 11/2/82.]

WAC 212-17-085 Fireworks manufacturer--Records and reports. Manufacturers shall, when requested to do so, submit written reports on production, sale and distribution of fireworks and name of the person to whom such fireworks were sold to the director of fire protection.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-085, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-085, filed 11/2/82.]

PART III--WHOLESALE

WAC 212-17-115 Fireworks wholesaler--General. Fireworks wholesaler licenses cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license. Fireworks wholesalers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the director of fire protection.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-115, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-115, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-115, filed 11/2/82.]

WAC 212-17-120 Fireworks wholesaler--Licensing. Persons intending to engage in the sale of fireworks at wholesale in this state shall procure a license from the director of fire protection. A permit from the local governmental agency having jurisdiction shall also be obtained for the storage of all classes and types of fireworks in possession of the wholesaler licensee. The application shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-120, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-120, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-120, filed 11/2/82.]

WAC 212-17-125 Fireworks wholesaler--Investigation. Upon receipt of an application and the license fee, the director of fire protection will cause an investigation to be made. If the investigation discloses compliance with state laws governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the director of fire protection within ninety days following receipt of a properly submitted or amended application.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-125, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-125, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-125, filed 11/2/82.]

WAC 212-17-135 Fireworks wholesaler--License limitations. (1) A fireworks wholesaler's license authorizes the holder to engage only in the sale of fireworks at wholesale. A fireworks wholesaler's license entitles him to sell fireworks to licensed retailers, licensed public display operators, other licensed wholesalers, religious organizations or private organizations or adult persons authorized to purchase specific fireworks items in accordance with WAC 212-17-060(2). Fireworks wholesaler licensees desiring to engage in other types of fireworks business shall first secure the necessary license as required by the state fireworks law.

(2) By virtue of its license, a licensed fireworks wholesaler is permitted to sell fireworks for direct shipment out of this state. Such shipment must be made by a public carrier or by the wholesaler in vehicles owned or leased by the wholesaler.

(3) It is unlawful for a licensed fireworks wholesaler to sell fireworks, at wholesale or retail, for direct shipment out of this state, or delivery into another state, to any person who does not possess and present to the wholesaler for inspection at the time of sale, a valid license and/or permit, where such a license and/or permit is required to purchase, possess, transport, store, distribute, sell, or otherwise deal with or use fireworks by the laws of such other state specifically prohibiting or regulating the use of fireworks.

(4) The burden of ascertaining whether the laws of such other state require a license and/or permit and whether the purchaser possesses such a valid license and/or permit shall be entirely on the wholesaler. The wholesaler shall record, in a manner prescribed by the director of fire protection, each sale as described in this section, to include the type and quantity of fireworks sold, name of purchaser, state of destination, state issuing license and/or permit, and number or other identifying description and date of issue of license and/or permit.

(5) Each sale of fireworks in violation of this section shall be considered a separate offense. Notwithstanding the existence or use of any other remedy, any wholesaler

violating this section may be enjoined from continuing such violation.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-135, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-135, filed 11/2/82.]

WAC 212-17-140 Fireworks wholesaler—Records and reports. (1) The licensee shall maintain and make available to the director of fire protection full and complete records including imports, purchases, sales, and consumption of fireworks items by kind and class.

(2) The licensee shall file a report annually of all fireworks transactions during the calendar year by class and kind, including imports, purchases, sales and consumption. Reports shall be on forms as provided by the director of fire protection and must be filed with the director of fire protection at the time application is made for renewal of the wholesalers license or before. Supporting records to verify the totals included in the report shall be maintained and made available for review by the director of fire protection.

(3) Additional reports, as may be determined necessary by the director of fire protection for the proper administration of the state fireworks law, shall be submitted as requested in a timely manner.

(4) Information provided pursuant to this chapter shall be considered proprietary and therefore not subject to disclosure, only insofar as such exemption is provided by chapter 42.17 RCW.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-140, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-140, filed 11/2/82.]

PART IV--IMPORTER

WAC 212-17-170 Importers of fireworks—Licensing. Every person who desires to import fireworks to this state shall file application and procure a license. Application shall be made on forms provided by the director of fire protection and shall be accompanied by the required license fee. License applications shall be made on or before January 31 of the year for which the license is desired. The application shall be either granted or denied by the director of fire protection within ninety days following receipt of a properly submitted or amended application.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-170, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-170, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-170, filed 11/2/82.]

PART V--RETAILER

WAC 212-17-185 Retailers of fireworks—General. Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the director of fire protection. In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction. The application shall be made on

forms provided by the director of fire protection and shall be accompanied by the license fee of ten dollars. License applications shall be made on or before June 10 of the year for which the license is desired. The director of fire protection shall grant or deny the license within fifteen days of receipt of the application. Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained. A retailer's license to sell fireworks shall not authorize licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the director of fire protection. A copy of the list shall be prominently posted at each retail outlet.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-185, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-185, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-185, filed 11/2/82.]

WAC 212-17-195 Retailers of fireworks—Sales locations. (1) Fireworks sold at retail shall be sold only:

- (a) In roadside stands; or
- (b) Buildings used for no other purpose.

(2) Roadside stands shall meet all applicable fire codes for temporary structures and shall be separated from public ways, property lines, and permanent structures as required by local officials.

(3) Buildings shall be permanent structures of not over five hundred square feet in area, used exclusively for retail firework sales. "Building," for this purpose, does not include subdivided areas within a building or structure. Buildings used for retail firework sales shall be separated from other buildings in which flammable or combustible materials or fireworks are stored, or in which people regularly congregate, by a minimum distance of fifty feet.

(4) Fireworks offered for retail sale in a roadside stand or building must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. A sales clerk must be on duty to serve the customer at the time of purchase.

(5) Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or alternate equipment deemed equivalent by the local fire authority.

(6) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-195, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-195, filed 11/2/82.]

WAC 212-17-203 Retailers of fireworks—List to be posted. Retailers shall post prominently at each retail outlet a list of the fireworks that may be sold to the public. The posted list shall be in a form approved by

the director of fire protection. The director of fire protection shall make available the list.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-203, filed 3/31/88. Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-203, filed 11/9/84.]

PART VI--PYROTECHNIC OPERATOR

WAC 212-17-225 Pyrotechnic operators--Application for license. Application for license shall be made on forms prepared by the director of fire protection and shall be accompanied by the annual license fee. Every applicant for a pyrotechnic operators license shall take and pass a written examination administered by the director of fire protection and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which shall have been in the current or preceding year.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-225, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-225, filed 11/2/82.]

WAC 212-17-230 Pyrotechnic operators--Examination, investigation and licensing. Upon receipt of application and license fee, the director of fire protection shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the director of fire protection shall schedule a written examination for the applicant. A passing score of at least seventy percent shall be attained on the written examination. An applicant failing the written examination may reapply within thirty days to retake the examination. No reexamination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to reapply within thirty days, or fails the examination on the second attempt, is deemed to have forfeited the license fee. The director of fire protection shall grant or deny the license on the basis of the investigation and examination.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-230, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-230, filed 11/2/82.]

WAC 212-17-235 Pyrotechnic operators--Responsibility. The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the director of fire protection. He shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety

of persons and property. He shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him to be unsafe or where its discharge might jeopardize life or property.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-235, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-235, filed 11/2/82.]

PART VII--PUBLIC DISPLAY LICENSE

WAC 212-17-245 Public displays of fireworks--General. Persons desiring to hold a public display of fireworks shall secure a license from the director of fire protection and a permit from the governmental agency having jurisdiction. Application for local permit must be made at least ten days in advance.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-245, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-245, filed 11/2/82.]

WAC 212-17-250 Application, state license. Application for fireworks public display license shall be made on forms provided by the director of fire protection and shall be accompanied by the prescribed license fee.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-250, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-250, filed 11/2/82.]

WAC 212-17-260 General licenses. Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such bond and public liability insurance shall be noncancellable except upon fifteen days' written notice by the insurer to the director of fire protection.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-260, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-260, filed 11/2/82.]

WAC 212-17-265 Reports. General public display permit application licensees shall submit Part III of the fireworks display permit application to the director of fire protection, prior to date of each display contemplated under their general license.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-265, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-265, filed 11/2/82.]

WAC 212-17-270 Local permit, application for. When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

- (1) The name of the organization sponsoring the display, if other than the applicant.
- (2) The date the display is to be held.

- (3) The exact location for the display.
- (4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.
- (5) The number of set pieces, shells (specify single or multiple break), and other items.
- (6) The manner and place of storage of such fireworks prior to the display.
- (7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.
- (8) Documentary proof of procurement of:
Surety bond;
Public liability insurance; or
A director of fire protection's "general license" for the public display of fireworks.
- (10) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-270, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-270, filed 11/2/82.]

PART VIII--PUBLIC DISPLAYS

WAC 212-17-335 Public display--Firing of shells.

- (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.
- (2) Shells shall be checked for proper fit in their mortars prior to the display.
- (3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.
- (4) The operator shall be certain that the shell is properly seated in the mortar.
- (5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.
- (6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.
- (7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of five minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

(11) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(12) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(13) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(14) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected early the following morning.

(15) The operator of the display shall keep a record, on a form provided by the director of fire protection, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the director of fire protection. Failures shall also be reported to the supplier.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-335, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-335, filed 11/2/82.]

WAC 212-17-345 Reports. After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the director of fire protection, within ten days following the display, covering:

- (1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.
- (2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-345, filed 3/31/88. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-345, filed 11/2/82.]

PART IX--TRANSPORTATION

WAC 212-17-352 Transportation--By common carrier. No common carrier, as defined in RCW 81.29-.010, shall deliver fireworks from an out-of-state shipper to any person or firm within this state without first determining that the person or firm possesses an importer's license, issued by the director of fire protection to receive them, or the shipper has an importer's license, issued by the director of fire protection to ship them into this state.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-352, filed 3/31/88.]

PART X--STORAGE

WAC 212-17-362 Storage--By common carrier. No common carrier shall store fireworks while in transit within a building without first obtaining a storage permit from the local fire authority.

[Statutory Authority: Chapter 70.77 RCW. 88-08-027 (Order FPS 88-01), § 212-17-362, filed 3/31/88.]

Chapter 212-32 WAC**NURSING HOMES, STANDARDS FOR FIRE PROTECTION**

WAC
212-32-015 Compliance.

WAC 212-32-015 Compliance. All facilities licensed as nursing homes shall comply with the provisions of this regulation by January 1, 1988, or have a plan of correction approved, with specific completion dates by July 1, 1989. All approvals are issued or denied on the basis of the applicant's compliance with the state director of fire protection's fire and life safety standards.

[Statutory Authority: Chapter 18.51 RCW. 87-18-067 (Order 87-17), § 212-32-015, filed 9/2/87; 86-12-062 (Order 86-06), § 212-32-015, filed 6/4/86; Order FM-77-3, § 212-32-015, filed 12/8/77.]

Chapter 212-51 WAC**STANDARDS FOR ABOVE-GROUND USED OIL TANKS**

WAC
212-51-001 Purpose.
212-51-005 Definitions.
212-51-010 Applicability.
212-51-015 Application.
212-51-020 Alternate materials and methods.
212-51-025 Minimum design standards.
212-51-030 Location.
212-51-035 Environmental impact of placement of above-ground used oil tanks.
212-51-040 Portable fire extinguishers.
212-51-045 Signs.
212-51-050 Severability.

WAC 212-51-001 Purpose. The purpose of this chapter is to adopt recognized standards for the design, construction, and placement of above-ground tanks to

collect used oil from private individuals for recycling purposes pursuant to RCW 19.114.040.

These standards are designed to fulfill the legislative intent as stated in RCW 19.114.010 which states "Improper disposal of used oil creates leaching problems within landfills, is a significant source of water pollution, has a detrimental impact on the fisheries industry, and contributes toward the overall shortage of energy resources. In light of these harmful consequences and the ease with which used oil can be recycled, the legislature declares that it is the policy of this state to collect and recycle used oil."

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-001, filed 3/4/87.]

WAC 212-51-005 Definitions. The following definitions shall apply to this chapter:

(1) "Approved" means approved by the state director of fire protection as the result of investigation and tests conducted by him/her, or by reasons of principles, tests by national, technical, or scientific organizations accepted by the director as valid.

(2) "Director" means state director of fire protection.

(3) "Department" means the department of community development, fire protection services division.

(4) "Fire official" means the person or other designated authority, appointed by the city, town, or county, for administration and enforcement of the Uniform Fire Code adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision, or governmental agency or instrumentality. (RCW 19.114.020.)

(6) "Recycle" means to prepare used oil for re-use as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

(7) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-005, filed 3/4/87.]

WAC 212-51-010 Applicability. This chapter applies to all facilities placed for the collection of used oil from the public for the purpose of recycling.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-010, filed 3/4/87.]

WAC 212-51-015 Application. Prior to the placement of a collection facility, the installer shall make application to the local fire official. All equipment shall comply with the provision of this chapter. Permits will be issued or denied upon the basis of the applicant's compliance with the state fire protection services division, and the Uniform Fire Code as adopted by reference

in the State Building Code Act, chapter 19.27 RCW. (See also UFC Sec. 4.101.) The installer shall provide, if required by the local fire official, a plot plan of the proposed location showing required set back from buildings or property lines.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-015, filed 3/4/87.]

WAC 212-51-020 Alternate materials and methods. The director of fire protection may modify any of the provisions of this code upon application in writing where there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be complied with, public safety secured. The particulars of such modification may be allowed and the decision of the director of fire protection shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

The director may require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

If technical expertise is unavailable within the department because of new technology, process, products, facilities, materials and uses attending the design of the proposed alternate, the director may require the person in possession or control to provide, without charge to the department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety speciality organization acceptable to the director and the owner, and shall analyze the fire-safety properties of the design, operation or use of the proposed alternate, and prescribe the necessary recommended changes.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-020, filed 3/4/87.]

WAC 212-51-025 Minimum design standards. Used oil collection facilities for the collection of used oil from the public shall comply with the Uniform Fire Code and the following:

- (1) A funnel-shaped fill area to reduce spills.
- (2) A suitable port for emptying storage tank by suction. No pressurization of the tank shall be permitted.
- (3) A nearby suitable covered litter receptacle for disposal of contaminated oil containers.
- (4) There shall be a suitable sticker affixed to the tank that states approval of the director of fire protection and department of ecology.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-025, filed 3/4/87.]

WAC 212-51-030 Location. Used oil collection facilities shall be located in accordance with the Uniform Fire Code, as adopted by chapter 19.27 RCW.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-030, filed 3/4/87.]

WAC 212-51-035 Environmental impact of placement of above-ground used oil tanks. As stated in RCW 90.48.320, "It shall be unlawful ... for oil to enter the waters of the state from ... any fixed or mobile facility or installation" Above-ground used oil tanks should be placed to avoid discharge of spilled oil into the surface waters or ground waters of the state pursuant to RCW 90.48.315 through 90.48.410.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-035, filed 3/4/87.]

WAC 212-51-040 Portable fire extinguishers. Fire extinguisher coverage shall be in accordance with the Uniform Fire Code.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-040, filed 3/4/87.]

WAC 212-51-045 Signs. (1) It shall be the responsibility of all owners of above-ground used oil tanks to post a prominent sign on or near the tank identifying the tank as a used oil recycling tank only, and stating that contaminants should not be mixed with used oil.

(2) Signs shall be commercially printed on the tank, or within two feet of it, and placed where spilled oil will not obscure message. "RECYCLE USED OIL HERE" letters will be a minimum of one inch high by three-eighths inch wide in capital letters (96 pt). Remaining letters will be five-eighths inch high by one quarter inch wide (60 pt.) with the letters "FOR USED OIL ONLY" and "DO NOT" in capital letters.

RECYCLED USED OIL HERE
*Prevent water pollution
*Protect public health
*Re-use limited resources

FOR USED OIL ONLY
DO NOT MIX WITH GASOLINE
antifreeze, engine degreasers, solvents,
cooking oil or any other contaminants

(3) The facility shall contain wording in accordance with the Uniform Fire Code visible from all sides stating "No Smoking or Open Flame."

(4) The establishment where a used oil collection tank is located shall prominently post a separate sign in a conspicuous place stating "RECYCLED USED OIL ACCEPTED HERE." Letters to be a minimum of one and one-half inches high by one-half inches wide in capital letters (144 pt).

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-045, filed 3/4/87.]

WAC 212-51-050 Severability. If any provision of this chapter or its application to any person is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 19.114.040. 87-06-044 (Order 87-05), § 212-51-050, filed 3/4/87.]