

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5970**

Chapter 182, Laws of 1997

(partial veto)

55th Legislature  
1997 Regular Session

FIREWORKS--DAYS OF SALE--CLARIFICATIONS OF STATUTES

EFFECTIVE DATE: 4/23/97

Passed by the Senate March 17, 1997  
YEAS 32 NAYS 14

BOB MORTON

**President of the Senate**

Passed by the House April 10, 1997  
YEAS 75 NAYS 23

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved April 23, 1997, with the  
exception of sections 2, 3, 7, 15, 17,  
19 and 24, which are vetoed.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the  
Senate of the State of Washington, do  
hereby certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL 5970**  
as passed by the Senate and the House  
of Representatives on the dates hereon  
set forth.

MIKE O'CONNELL

**Secretary**

FILED

April 23, 1997 - 9:23 p.m.

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE SENATE BILL 5970

---

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Schow, Horn, Bauer, Heavey, Franklin and Anderson)

Read first time 03/05/97.

1 AN ACT Relating to expanding days of sale while not changing days  
2 of use of common fireworks and clarifying other provisions of the  
3 existing state fireworks law; amending RCW 70.77.160, 70.77.170,  
4 70.77.180, 70.77.236, 70.77.255, 70.77.270, 70.77.290, 70.77.325,  
5 70.77.343, 70.77.345, 70.77.355, 70.77.360, 70.77.375, 70.77.395,  
6 70.77.420, 70.77.425, 70.77.435, 70.77.440, 70.77.450, and 70.77.555;  
7 reenacting and amending RCW 70.77.250; reenacting RCW 70.77.315 and  
8 70.77.455; adding a new section to chapter 70.77 RCW; repealing 1995 c  
9 369 s 56; prescribing penalties; and declaring an emergency.

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

11 **Sec. 1.** RCW 70.77.160 and 1982 c 230 s 6 are each amended to read  
12 as follows:

13 "Public display of fireworks" means an entertainment feature where  
14 the public is admitted or (~~permitted~~) allowed to view the display or  
15 discharge of special fireworks.

16 **\*Sec. 2.** RCW 70.77.170 and 1995 c 369 s 44 are each amended to  
17 read as follows:

1       *"License" means a ((nontransferable)) transferable formal*  
2 *authorization which the chief of the Washington state patrol and the*  
3 *director of fire protection are ((permitted)) authorized to issue under*  
4 *this chapter to engage in the act specifically designated therein.*  
5 *\*Sec. 2 was vetoed. See message at end of chapter.*

6       *\*Sec. 3. RCW 70.77.180 and 1995 c 61 s 9 are each amended to read*  
7 *as follows:*

8       *"Permit" means the official ((permission)) transferable*  
9 *authorization granted by a ((local public agency)) city or county for*  
10 *the purpose of establishing and maintaining a place within the*  
11 *jurisdiction of the ((local agency)) city or county where fireworks are*  
12 *manufactured, constructed, produced, packaged, stored, sold, or*  
13 *exchanged and the official ((permission)) authorization granted by a*  
14 *((local agency)) city or county for a public display of fireworks.*

15 *\*Sec. 3 was vetoed. See message at end of chapter.*

16       **Sec. 4.** RCW 70.77.236 and 1995 c 61 s 6 are each amended to read  
17 as follows:

18       (1) "New fireworks item" means any fireworks initially classified  
19 or reclassified as special or common fireworks by the United States  
20 bureau of explosives or in the regulations of the United States  
21 department of transportation after April 17, 1995.

22       (2) The ~~((director of community, trade, and economic development))~~  
23 chief of the Washington state patrol through the director of fire  
24 protection shall classify any new fireworks item in the same manner as  
25 the item is classified by the United States bureau of explosives or in  
26 the regulations of the United States department of transportation,  
27 unless the ~~((director of community, trade, and economic development))~~  
28 chief of the Washington state patrol through the director of fire  
29 protection determines, stating reasonable grounds, that the item should  
30 not be so classified.

31       **Sec. 5.** RCW 70.77.250 and 1995 c 369 s 45 and 1995 c 61 s 12 are  
32 each reenacted and amended to read as follows:

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

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

1 (3) The chief of the Washington state patrol, through the director  
2 of fire protection, (~~may prescribe such~~) shall adopt those rules  
3 relating to fireworks as (~~may be~~) are necessary for the  
4 implementation of this chapter.

5 (4) The chief of the Washington state patrol, through the director  
6 of fire protection, shall (~~prescribe such~~) adopt those rules as (~~may~~  
7 ~~be~~) are necessary to ensure state-wide minimum standards for the  
8 enforcement of this chapter. Counties, cities, and towns shall comply  
9 with (~~such~~) these state rules. Any local rules adopted by local  
10 authorities that are more restrictive than state law shall have an  
11 effective date no sooner than one year after their adoption.

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

18 **Sec. 6.** RCW 70.77.255 and 1995 c 61 s 13 are each amended to read  
19 as follows:

20 (1) Except as otherwise provided in this chapter, no person,  
21 without (~~an~~) appropriate state (~~license or permit~~) licenses and  
22 city or county permits as required by this chapter may:

23 (a) Manufacture, import, possess, or sell any fireworks at  
24 wholesale or retail for any use;

25 (b) Make a public display of fireworks; (~~or~~)

26 (c) Transport fireworks, except as a public carrier delivering to  
27 a licensee; or

28 (d) Knowingly manufacture, import, transport, store, sell, or  
29 possess with intent to sell, as fireworks, explosives, as defined under  
30 RCW 70.74.010, that are not fireworks, as defined under this chapter.

31 (2) Except as authorized by a license and permit under subsection  
32 (1)(b) of this section or as provided in RCW 70.77.311, no person may  
33 discharge special fireworks at any place.

34 (3) No person less than eighteen years of age may apply for or  
35 receive a license or permit under this chapter.

36 (4) No license or permit is required for the possession or use of  
37 common fireworks lawfully purchased at retail.

1        ***\*NEW SECTION. Sec. 7. A new section is added to chapter 70.77 RCW***  
2 *to read as follows:*

3        *(1) A violation of RCW 70.77.255(1)(d) is a gross misdemeanor*  
4 *punishable by not less than thirty days in jail and a fine of not less*  
5 *than five thousand dollars.*

6        *(2) The minimum sentences required under subsection (1) of this*  
7 *section may not be suspended or deferred.*

8        *\*Sec. 7 was vetoed. See message at end of chapter.*

9        **Sec. 8.** RCW 70.77.270 and 1995 c 61 s 14 are each amended to read  
10 as follows:

11        (1) The governing body of a city or county, or a designee, shall  
12 grant an application for a permit under RCW 70.77.260(1) if the  
13 application meets the standards under this chapter, and the applicable  
14 ordinances of the city or county. The permit shall be granted by June  
15 10, or no less than thirty days after receipt of an application  
16 whichever date occurs first, for sales commencing on June 28 and on  
17 December 27; or by December 10, or no less than thirty days after  
18 receipt of an application whichever date occurs first, for sales  
19 commencing only on December 27.

20        (2) The ~~((director of community, trade, and economic development))~~  
21 chief of the Washington state patrol, through the director of fire  
22 protection, shall prescribe uniform, state-wide standards for retail  
23 fireworks stands including, but not limited to, the location of the  
24 stands, setback requirements and siting of the stands, types of  
25 buildings and construction material that may be used for the stands,  
26 use of the stands and areas around the stands, cleanup of the area  
27 around the stands, transportation of fireworks to and from the stands,  
28 and temporary storage of fireworks associated with the retail fireworks  
29 stands. All cities and counties which allow retail fireworks sales  
30 shall comply with these standards.

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

1 fireworks permit shall be covered by a liability insurance policy in  
2 the maximum amount offered by at least three different approved  
3 insurance companies.

4 No wholesaler may knowingly sell or supply fireworks to any retail  
5 fireworks stand unless the wholesaler determines that the retail  
6 fireworks stand is covered by liability insurance in the same amount as  
7 provided in this subsection.

8 **Sec. 9.** RCW 70.77.290 and 1984 c 249 s 16 are each amended to read  
9 as follows:

10 If a permit under RCW 70.77.260(2) for the public display of  
11 fireworks is granted, the sale, possession and use of fireworks for the  
12 public display is lawful for that purpose only. (~~The permit granted~~  
13 ~~is not transferable.~~)

14 **Sec. 10.** RCW 70.77.315 and 1995 c 61 s 18 and 1995 c 369 s 47 are  
15 each reenacted to read as follows:

16 Any person who desires to engage in the manufacture, importation,  
17 sale, or use of fireworks, except use as provided in RCW 70.77.255(4)  
18 and 70.77.311, shall make a written application to the chief of the  
19 Washington state patrol, through the director of fire protection, on  
20 forms provided by him or her. Such application shall be accompanied by  
21 the annual license fee as prescribed in this chapter.

22 **Sec. 11.** RCW 70.77.325 and 1994 c 133 s 8 are each amended to read  
23 as follows:

24 (1) An application for a license shall be made annually by every  
25 person holding an existing license who wishes to continue the activity  
26 requiring the license during an additional (~~calendar~~) year. The  
27 application shall be accompanied by the annual license fees as  
28 prescribed in RCW 70.77.343 and 70.77.340.

29 (2) A person applying for an annual license as a retailer under  
30 this chapter shall file an application (~~by June 10 of the current~~  
31 ~~year~~) no later than May 1 for annual sales commencing on June 28 and  
32 on December 27, or no later than November 1 for sales commencing only  
33 on December 27. The (~~director of community, trade, and economic~~  
34 ~~development~~) chief of the Washington state patrol, through the  
35 director of fire protection, shall grant or deny the license within  
36 fifteen days of receipt of the application.

1 (3) A person applying for an annual license as a manufacturer,  
2 importer, or wholesaler under this chapter shall file an application by  
3 January 31 of the current year. The (~~director of community, trade,~~  
4 ~~and economic development~~) chief of the Washington state patrol,  
5 through the director of fire protection, shall grant or deny the  
6 license within ninety days of receipt of the application.

7 **Sec. 12.** RCW 70.77.343 and 1995 c 61 s 19 are each amended to read  
8 as follows:

9 (1) License fees, in addition to the fees in RCW 70.77.340, shall  
10 be charged as follows:

11	Manufacturer . . . . .	\$	1,500.00
12	Importer . . . . .		900.00
13	Wholesaler . . . . .		1,000.00
14	Retailer (for each separate outlet) . . . . .		30.00
15	Public display for special fireworks . . . . .		40.00
16	Pyrotechnic operator for special fireworks . . . . .		5.00

17 (2) All receipts from the license fees in this section shall be  
18 placed in the fire services trust fund and at least seventy-five  
19 percent of these receipts shall be used to fund a state-wide public  
20 education campaign developed by the (~~department~~) chief of the  
21 Washington state patrol and the licensed fireworks industry emphasizing  
22 the safe and responsible use of legal fireworks and the remaining  
23 receipts shall be used to fund state-wide enforcement efforts against  
24 the sale and use of fireworks that are illegal under this chapter.

25 **Sec. 13.** RCW 70.77.345 and 1995 c 61 s 20 are each amended to read  
26 as follows:

27 Every license and every retail fireworks sales permit issued shall  
28 be for the (~~calendar year~~) period from January 1st (~~to December 31st~~  
29 ~~or for~~) of the year for which the application is made through January  
30 31st of the subsequent year, or the remaining portion thereof (~~of the~~  
31 ~~calendar year for which the license application is made~~)).

32 **Sec. 14.** RCW 70.77.355 and 1994 c 133 s 9 are each amended to read  
33 as follows:

1 (1) Any adult person may secure a general license from the  
2 (~~director of community, trade, and economic development~~) chief of the  
3 Washington state patrol, through the director of fire protection, for  
4 the public display of fireworks within the state of Washington. A  
5 general license is subject to the provisions of this chapter relative  
6 to the securing of local permits for the public display of fireworks in  
7 any city or county, except that in lieu of filing the bond or  
8 certificate of public liability insurance with the appropriate local  
9 official under RCW 70.77.260 as required in RCW 70.77.285, the same  
10 bond or certificate shall be filed with the (~~director of community,~~  
11 ~~trade, and economic development~~) chief of the Washington state patrol,  
12 through the director of fire protection. The bond or certificate of  
13 insurance for a general license in addition shall provide that: (a)  
14 The insurer will not cancel the insured's coverage without fifteen days  
15 prior written notice to the (~~director of community, trade, and~~  
16 ~~economic development~~) chief of the Washington state patrol, through  
17 the director of fire protection; (b) the duly licensed pyrotechnic  
18 operator required by law to supervise and discharge the public display,  
19 acting either as an employee of the insured or as an independent  
20 contractor and the state of Washington, its officers, agents,  
21 employees, and servants are included as additional insureds, but only  
22 insofar as any operations under contract are concerned; and (c) the  
23 state is not responsible for any premium or assessments on the policy.

24 (2) The (~~director of community, trade, and economic development~~)  
25 chief of the Washington state patrol, through the director of fire  
26 protection, may issue such general licenses. The holder of a general  
27 license shall file a certificate from the (~~director of community,~~  
28 ~~trade, and economic development~~) chief of the Washington state patrol,  
29 through the director of fire protection, evidencing the license with  
30 any application for a local permit for the public display of fireworks  
31 under RCW 70.77.260.

32 *\*Sec. 15. RCW 70.77.360 and 1995 c 369 s 49 are each amended to*  
33 *read as follows:*

34 *If the chief of the Washington state patrol, through the director*  
35 *of fire protection, finds that an application for any license, or any*  
36 *transfer of a license, under this chapter contains a material*  
37 *misrepresentation or that the granting of any license would be contrary*  
38 *to the public safety or welfare, the chief of the Washington state*

1 *patrol, through the director of fire protection, may deny the*  
2 *application for, or the transfer of, the license.*

3 *\*Sec. 15 was vetoed. See message at end of chapter.*

4 **Sec. 16.** RCW 70.77.375 and 1995 c 61 s 21 are each amended to read  
5 as follows:

6 The chief of the Washington state patrol, through the director of  
7 fire protection, upon reasonable opportunity to be heard, may revoke  
8 any license issued pursuant to this chapter, if he or she finds that:

9 (1) The licensee has violated any provisions of this chapter or any  
10 rule (~~(or regulations)~~) made by the chief of the Washington state  
11 patrol, through the director of fire protection, under and with the  
12 authority of this chapter;

13 (2) The licensee has created or caused a fire nuisance;

14 (3) Any licensee has failed or refused to file any required  
15 reports; or

16 (4) Any fact or condition exists which, if it had existed at the  
17 time of the original application for such license, reasonably would  
18 have warranted the chief of the Washington state patrol, through the  
19 director of fire protection, in refusing originally to issue such  
20 license.

21 **\*Sec. 17.** RCW 70.77.395 and 1995 c 61 s 22 are each amended to  
22 read as follows:

23 (1) It is legal to sell(~~(,)~~) and purchase(~~(, use, and discharge)~~)  
24 common fireworks within this state from (~~(twelve)~~) nine o'clock  
25 (~~(noon)~~) a.m. on the twenty-eighth of June to twelve o'clock noon on  
26 the sixth of July of each year, from nine o'clock a.m. on the twenty-  
27 seventh of December to eleven o'clock p.m. on the thirty-first of  
28 December of each year and as provided in RCW 70.77.311. (~~(However,~~  
29 no))

30 (2) Common fireworks may be (~~(sold)~~) used or discharged each day  
31 between the hours of nine o'clock a.m. and eleven o'clock p.m. (~~(and~~  
32 nine o'clock a.m.)) on the twenty-eighth of June to the sixth of July,  
33 (~~(except)~~) and on July 4th (~~(from)~~) between the hours of nine o'clock  
34 a.m. (~~(through)~~) and twelve o'clock midnight, and (~~(except)~~) from six  
35 o'clock p.m. on December 31st until one o'clock a.m. on January 1st of  
36 the subsequent year and as provided in RCW 70.77.311: PROVIDED, That  
37 a city or county may prohibit the sale or discharge of common fireworks

1 on December 31, 1995, by enacting an ordinance prohibiting such sale or  
2 discharge within sixty days of April 17, 1995.

3 \*Sec. 17 was vetoed. See message at end of chapter.

4 **Sec. 18.** RCW 70.77.420 and 1984 c 249 s 26 are each amended to  
5 read as follows:

6 (1) It is unlawful for any person to store fireworks of any class  
7 without a permit for such storage from the (~~local fire official in the~~  
8 ~~jurisdiction~~) city or county in which the storage is to be made. A  
9 person proposing to store fireworks shall apply in writing to a (~~local~~  
10 ~~fire official~~) city or county at least ten days prior to the date of  
11 the proposed storage. The (~~official~~) city or county receiving the  
12 application for a storage permit shall investigate whether the  
13 character and location of the storage as proposed would constitute a  
14 hazard to property or be dangerous to any person. Based on the  
15 investigation, the (~~official~~) city or county may grant or deny the  
16 application. The (~~official~~) city or county may place reasonable  
17 conditions on any permit granted.

18 (2) For the purposes of this section the temporary storing or  
19 keeping of common fireworks when in conjunction with a valid retail  
20 sales license and permit shall comply with RCW 70.77.425 and the  
21 standards adopted under RCW 70.77.270(2) and not this section.

22 \*Sec. 19. RCW 70.77.425 and 1984 c 249 s 27 are each amended to  
23 read as follows:

24 It is unlawful for any person to store (~~unsold~~) stocks of  
25 fireworks remaining unsold after the lawful period of sale as provided  
26 in the person's permit except in such places of storage as the (~~local~~  
27 ~~fire official~~) city or county issuing the permit approves. Unsold  
28 stocks of common fireworks remaining after the authorized retail sales  
29 period from (~~twelve~~) nine o'clock (~~noon~~) a.m. on June 28th to  
30 twelve o'clock noon on July 6th shall be returned on or before July  
31 31st of the same year, or remaining after the authorized retail sales  
32 period from nine o'clock a.m. on December 27th to eleven o'clock p.m.  
33 on December 31st shall be returned on or before January 10th of the  
34 subsequent year to the approved storage facilities of a licensed  
35 fireworks wholesaler, to a magazine or storage place approved by a  
36 local fire official.

37 \*Sec. 19 was vetoed. See message at end of chapter.

1       **Sec. 20.** RCW 70.77.435 and 1995 c 61 s 23 are each amended to read  
2 as follows:

3       Any fireworks which are illegally sold, offered for sale, used,  
4 discharged, possessed or transported in violation of the provisions of  
5 this chapter or the rules or regulations of the (~~director of~~  
6 ~~community, trade, and economic development~~) chief of the Washington  
7 state patrol, through the director of fire protection, shall be subject  
8 to seizure by the (~~director of community, trade, and economic~~  
9 ~~development~~) chief of the Washington state patrol, through the  
10 director of fire protection, or his or her deputy, or by state agencies  
11 or local governments having general law enforcement authority. Any  
12 fireworks seized by legal process anywhere in the state may be disposed  
13 of by the (~~director of community, trade, and economic development~~)  
14 chief of the Washington state patrol, through the director of fire  
15 protection, or the agency conducting the seizure, by summary  
16 destruction at any time subsequent to thirty days from such seizure or  
17 ten days from the final termination of proceedings under the provisions  
18 of RCW 70.77.440, whichever is later.

19       **Sec. 21.** RCW 70.77.440 and 1995 c 61 s 24 are each amended to read  
20 as follows:

21       (1) In the event of seizure under RCW 70.77.435, proceedings for  
22 forfeiture shall be deemed commenced by the seizure. The (~~director of~~  
23 ~~community, trade, and economic development or deputy director of~~  
24 ~~community, trade, and economic development~~) chief of the Washington  
25 state patrol or a designee, through the director of fire protection or  
26 the agency conducting the seizure, under whose authority the seizure  
27 was made shall cause notice to be served within fifteen days following  
28 the seizure on the owner of the fireworks seized and the person in  
29 charge thereof and any person having any known right or interest  
30 therein, of the seizure and intended forfeiture of the seized property.  
31 The notice may be served by any method authorized by law or court rule  
32 including but not limited to service by certified mail with return  
33 receipt requested. Service by mail shall be deemed complete upon  
34 mailing within the fifteen-day period following the seizure.

35       (2) If no person notifies the (~~director of community, trade, and~~  
36 ~~economic development~~) chief of the Washington state patrol, through  
37 the director of fire protection or the agency conducting the seizure,  
38 in writing of the person's claim of lawful ownership or right to lawful

1 possession of seized fireworks within thirty days of the seizure, the  
2 seized fireworks shall be deemed forfeited.

3 (3) If any person notifies the (~~director of community, trade, and~~  
4 ~~economic development~~) chief of the Washington state patrol, through  
5 the director of fire protection or the agency conducting the seizure,  
6 in writing of the person's claim of lawful ownership or possession of  
7 the fireworks within thirty days of the seizure, the person or persons  
8 shall be afforded a reasonable opportunity to be heard as to the claim  
9 or right. The hearing shall be before an administrative law judge  
10 appointed under chapter 34.12 RCW, except that any person asserting a  
11 claim or right may remove the matter to a court of competent  
12 jurisdiction if the aggregate value of the seized fireworks is more  
13 than five hundred dollars. The hearing before an administrative law  
14 judge and any appeal therefrom shall be under Title 34 RCW. In a court  
15 hearing between two or more claimants to the article or articles  
16 involved, the prevailing party shall be entitled to a judgment for  
17 costs and reasonable attorneys' fees. The burden of producing evidence  
18 shall be upon the person claiming to have the lawful right to  
19 possession of the seized fireworks. The (~~director of community,~~  
20 ~~trade, and economic development~~) chief of the Washington state patrol,  
21 through the director of fire protection or the agency conducting the  
22 seizure, shall promptly return the fireworks to the claimant upon a  
23 determination by the administrative law judge or court that the  
24 claimant is lawfully entitled to possession of the fireworks.

25 (4) When fireworks are forfeited under this chapter the (~~director~~  
26 ~~of community, trade, and economic development~~) chief of the Washington  
27 state patrol, through the director of fire protection or the agency  
28 conducting the seizure, may:

- 29 (a) Dispose of the fireworks by summary destruction; or  
30 (b) Sell the forfeited fireworks and chemicals used to make  
31 fireworks, that are legal for use and possession under this chapter, to  
32 wholesalers or manufacturers, authorized to possess and use such  
33 fireworks or chemicals under a license issued by the (~~director of~~  
34 ~~community, trade, and economic development~~) chief of the Washington  
35 state patrol, through the director of fire protection. Sale shall be  
36 by public auction after publishing a notice of the date, place, and  
37 time of the auction in a newspaper of general circulation in the county  
38 in which the auction is to be held, at least three days before the date  
39 of the auction. The proceeds of the sale of the seized fireworks under

1 this section may be retained by the agency conducting the seizure and  
2 used to offset the costs of seizure and/or storage costs of the seized  
3 fireworks. The remaining proceeds, if any, shall be deposited in the  
4 fire services trust fund and shall be used for the same purposes and in  
5 the same percentages as specified in RCW 70.77.343.

6 **Sec. 22.** RCW 70.77.450 and 1994 c 133 s 13 are each amended to  
7 read as follows:

8 The (~~director of community, trade, and economic development~~)  
9 chief of the Washington state patrol, through the director of fire  
10 protection, may make an examination of the books and records of any  
11 licensee, or other person relative to fireworks, and may visit and  
12 inspect the premises of any licensee he may deem at any time necessary  
13 for the purpose of enforcing the provisions of this chapter. The  
14 licensee, owner, lessee, manager, or operator of any such building or  
15 premises shall permit the (~~director of community, trade, and economic  
16 development~~) chief of the Washington state patrol, through the  
17 director of fire protection, his or her deputies or salaried  
18 assistants, the local fire official, and their authorized  
19 representatives to enter and inspect the premises at the time and for  
20 the purpose stated in this section.

21 **Sec. 23.** RCW 70.77.455 and 1995 c 61 s 25 and 1995 c 369 s 54 are  
22 each reenacted to read as follows:

23 (1) All licensees shall maintain and make available to the chief of  
24 the Washington state patrol, through the director of fire protection,  
25 full and complete records showing all production, imports, exports,  
26 purchases, and sales of fireworks items by class.

27 (2) All records obtained and all reports produced, as required by  
28 this chapter, are not subject to disclosure through the public  
29 disclosure act under chapter 42.17 RCW.

30 **\*Sec. 24.** *RCW 70.77.555 and 1995 c 61 s 26 are each amended to*  
31 *read as follows:*

32 *(1) A (~~local public~~) city or county agency may provide by*  
33 *ordinance for a fee for retail sales in an amount sufficient to cover*  
34 *all legitimate costs for all needed permits and local licenses from*  
35 *application to and through processing, issuance, and inspection, but in*  
36 *no case to exceed a total of one hundred dollars for any one year for*

1 initial permitting and a maximum of ten dollars for any one year for  
2 any change in permit holder or location of the retail fireworks stand.

3 Even though business, environmental impact, inspection, and all  
4 other required costs, fees, local licenses, and permits are not  
5 directly related to fireworks permits, fees, costs, and local licenses  
6 on their face; when these fees, costs, local licenses, and permits are  
7 necessary to the use and operation of the fireworks permits and local  
8 licenses such as, but not limited to, business, environmental impact,  
9 and inspection; they are included as part and parcel of the annual  
10 maximum fees, under subsection (1) of this section, that cover costs  
11 for the fireworks permits and local licenses.

12 (2) A city or county may provide by ordinance for a fee for public  
13 display permits as required by RCW 70.77.255(1)(b) not to exceed one  
14 hundred dollars for any one permit.

15 (3) Any special event fees required by a city or county in  
16 connection with a fireworks display that requires traffic or crowd  
17 control in a public place shall not be subject to the limitation  
18 provided in subsection (2) of this section.

19 \*Sec. 24 was vetoed. See message at end of chapter.

20 NEW SECTION. Sec. 25. 1995 c 369 s 56 is repealed.

21 NEW SECTION. Sec. 26. If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 27. This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 immediately.

Passed the Senate March 17, 1997.

Passed the House April 10, 1997.

Approved by the Governor April 23, 1997, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State April 23, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 2, 3,  
3 7, 15, 17, 19 and 24, Engrossed Substitute Senate Bill No. 5970  
4 entitled:

5 "AN ACT Relating to expanding days of sale while not changing days  
6 of use of common fireworks and clarifying other provisions of the  
7 existing state fireworks law;"

8 Engrossed Substitute Senate Bill No. 5970 makes both substantive  
9 changes and technical corrections to the state fireworks law.

10 Section 2 and 3 of the bill, respectively, would make state  
11 licenses and locally issued permits freely transferable. When a  
12 limited number of permits or licenses exist, free transferability could  
13 result in all permits or licenses being controlled by a single entity  
14 or small group.

15 Section 7 would create a mandatory minimum penalty of not less than  
16 30 days in jail and a fine of not less than \$5,000 for knowingly  
17 manufacturing, importing, transporting, storing, selling, or possessing  
18 with intent to sell as fireworks, explosives that are not fireworks.  
19 It would also reduce that crime from a class C felony to a gross  
20 misdemeanor; such a reduction is inappropriate. The mandatory minimum  
21 sentence prescribed in section 7 is inconsistent with our established  
22 sentencing guidelines and is unnecessary.

23 Section 15 of the bill is unnecessary after sections 2 and 3 have  
24 been vetoed.

25 Section 17 of the bill lengthens period during which fireworks may  
26 be sold. While the bill does not extend the period during which  
27 fireworks may be legally used, use would be extremely difficult to  
28 control during the extended sales period.

29 Section 24 of the bill would limit the fees that a city or county  
30 may charge for all fireworks sales authorizations to a total of \$100  
31 per year, and for fireworks display permits to \$100 each. It also  
32 would specifically prohibit cities and counties from charging for the  
33 costs of business licenses, environmental impacts, inspections, and  
34 traffic and crowd control. I believe that local governments should not  
35 be prevented from recouping the reasonable costs they incur in allowing  
36 fireworks sales and displays.

37 For these reasons, I have vetoed sections 2, 3, 7, 15, 17, 19 and  
38 24 of Engrossed Substitute Senate Bill No. 5970.

39 With the exception of sections 2, 3, 7, 15, 17, 19 and 24, I am  
40 approving Engrossed Substitute Senate Bill No. 5970."