H-2172.1

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**SUBSTITUTE HOUSE BILL 1638**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives McEntire, Fitzgibbon, Rude, Duerr, Walen, Cody, Paul, Kloba, and Pollet)

AN ACT Relating to fireworks prohibitions adopted by cities or counties; and amending RCW 70.77.250 and 70.77.395.

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

**Sec.**  RCW 70.77.250 and 2002 c 370 s 19 are each amended to read as follows:

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

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

(3) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules relating to fireworks as are necessary for the implementation of this chapter.

(4)(a) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties and cities shall comply with these state rules.

(b) Any ordinances adopted by a county or city that are more restrictive than state law shall have an effective date no sooner than ((~~one year~~)) 90 days after their adoption. A city or county may, after consultation with a local fire marshal or other fire official, immediately prohibit the use of some types of or all consumer fireworks when the environmental conditions make the risk of fireworks causing an uncontrolled fire high and other temporary prohibitions on fire, burning, or use of combustibles are in effect.

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

(6) The chief of the Washington state patrol, through the director of fire protection, shall adopt rules necessary to enforce the civil penalty provisions for the violations of this chapter. A civil penalty under this subsection may not exceed one thousand dollars per day for each violation and is subject to the procedural requirements under RCW 70.77.252.

(7) The chief of the Washington state patrol, through the director of fire protection, may investigate or cause to be investigated all fires resulting, or suspected of resulting, from the use of fireworks.

**Sec.**  RCW 70.77.395 and 2002 c 370 s 31 are each amended to read as follows:

(1) It is legal to sell and purchase consumer fireworks within this state from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to nine o'clock p.m. on the fifth of July, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311.

(2) Consumer fireworks may be used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. on the twenty-eighth of June ((~~and~~)), between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, ((~~and on July 4th~~)) between the hours of nine o'clock a.m. and twelve o'clock midnight on the fourth of July, ((~~and~~)) between the hours of nine o'clock a.m. and eleven o'clock p.m. on the fifth of July ((~~5th, and from~~)), between the hours of six o'clock p.m. on the thirty-first of December ((~~31st until~~)) and one o'clock a.m. on the first of January ((~~1st~~)) of the subsequent year, and as provided in RCW 70.77.311.

(3) A city or county may enact an ordinance ((~~within sixty days of June 13, 2002,~~)) to limit or prohibit the sale, purchase, possession, or use of consumer fireworks ((~~on December 27, 2002, through December 31, 2002, and thereafter as provided in RCW 70.77.250(4)~~)) within its jurisdiction.

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