
SENATE BILL 5520

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias, J. Wilson, and Hunt

Read first time 01/23/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to establishing the fire service policy board and
2 improving fire service training and mobilization; amending RCW
3 43.43.938, 43.43.960, 4.24.400, 9.40.100, 18.20.130, 18.46.110,
4 18.51.140, 18.51.145, 19.27A.110, 43.43.934, 43.43.938, 43.43.939,
5 43.43.940, 43.43.942, 43.43.944, 43.43.948, 43.43.952, 43.43.961,
6 43.43.962, 43.43.964, 43.43.965, 43.44.010, 43.44.020, 43.44.040,
7 43.44.050, 43.44.060, 43.44.070, 43.44.080, 43.44.090, 43.44.110,
8 43.44.115, 43.44.120, 43.44.130, 43.216.265, 43.216.290, 46.37.467,
9 48.05.320, 48.50.020, 48.50.040, 48.05.320, 48.53.020, 48.53.060,
10 52.30.020, 70.41.080, 70.74.191, 70.75.020, 70.75.030, 70.75.040,
11 70.77.170, 70.77.236, 70.77.250, 70.77.252, 70.77.270, 70.77.305,
12 70.77.315, 70.77.325, 70.77.330, 70.77.343, 70.77.355, 70.77.360,
13 70.77.365, 70.77.415, 70.77.430, 70.77.435, 70.77.440, 70.77.450,
14 70.77.455, 70.77.460, 70.77.548, 70.77.575, 70.77.580, 70.97.210,
15 70.108.040, 70.160.060, 71.12.485, 74.15.050, and 74.15.080;
16 reenacting and amending RCW 70.77.375; adding new sections to chapter
17 43.44 RCW; recodifying RCW 43.43.930, 43.43.934, 43.43.938,
18 43.43.939, 43.43.940, 43.43.942, 43.43.944, 43.43.946, 43.43.948,
19 43.43.950, 43.43.952, 43.43.960, 43.43.961, 43.43.962, 43.43.963,
20 43.43.964, and 43.43.965; and providing an effective date.

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

1 NEW SECTION. **Sec. 1.** The legislature finds that Washington
2 state's fire service has evolved significantly over the past quarter
3 century. Since the mid-1990's, fire departments across the state have
4 taken on more responsibilities than ever previously envisioned. In
5 addition to fire suppression, Washington's fire service has evolved
6 to provide basic and advanced life support, educate the public on
7 fire prevention, perform technical rescue, respond to hazardous
8 materials incidents, and provide all-hazards response to wildland
9 fires, natural disasters, and pandemics and infectious disease
10 outbreaks. During this same time, Washington's population has grown
11 by more than 2,000,000 residents.

12 The legislature acknowledges the breadth and depth of the
13 services the public expects, and that the fire service delivers, to
14 protect life, property, and the environment. Therefore, the
15 legislature intends to establish the fire service policy board to
16 ensure that the state director of fire protection has the necessary
17 authority and support to guarantee the continued provision of
18 comprehensive fire service training, fire prevention, investigations,
19 and all-hazards response for all of Washington state.

20 NEW SECTION. **Sec. 2.** (1) There is created the Washington state
21 fire service policy board, consisting of five members to be appointed
22 by the governor.

23 (2) The fire service policy board shall include:

24 (a) One member representing the Washington state council of
25 firefighters;

26 (b) One member representing the Washington state firefighters
27 association;

28 (c) One member representing the Washington state fire
29 commissioners association;

30 (d) One member representing the Washington fire chiefs
31 association; and

32 (e) One member of the public with an interest in fire safety.

33 (3) Each organization to be represented on the board shall select
34 a list of three nominees for submission to the governor no later than
35 90 days prior to the start of a member's term. For vacancies in
36 unexpired terms, the governor shall make an appointment within 90
37 days after the vacancies occur.

38 (4) Three members of the board constitutes a quorum.

1 (5) Board members shall serve terms of four years, but no person
2 shall be appointed to serve more than two full terms. Terms of office
3 shall be staggered so that either two or three board member's terms
4 expire each even-numbered year.

5 (6) Board members may be removed in accordance with RCW
6 43.06.070.

7 NEW SECTION. **Sec. 3.** (1) The board may employ one or more full-
8 time administrative staff members to carry out the duties and
9 responsibilities outlined in this chapter.

10 (2) The fire service policy board shall work in conjunction with
11 the Washington state patrol to develop a plan for the transfer of
12 personnel engaged in performing the powers, functions, and duties
13 transferred to the jurisdiction of the fire service policy board.

14 NEW SECTION. **Sec. 4.** Each member of the board shall be
15 compensated in accordance with RCW 43.03.265. Members shall be
16 reimbursed for travel expenses incurred in the actual performance of
17 their duties, as provided in RCW 43.03.050 and 43.03.060. The board
18 is designated as a class four group for purposes of chapter 43.03
19 RCW.

20 NEW SECTION. **Sec. 5.** (1) All powers, duties, and functions of
21 the Washington state patrol pertaining to fire protection are
22 transferred to the Washington state fire service policy board. All
23 references to the chief of the Washington state patrol in the Revised
24 Code of Washington shall be construed to mean the fire marshal or the
25 Washington state fire service policy board when referring to the
26 functions transferred in this section.

27 (2) The transfer of the powers, duties, functions, and personnel
28 of the Washington state patrol shall not affect the validity of any
29 act performed before the effective date of this section.

30 (3) All rules and all pending business before the Washington
31 state patrol pertaining to the powers, functions, and duties
32 transferred shall be continued and acted upon by the fire service
33 policy board. All existing contracts and obligations shall remain in
34 full effect and shall be performed by the fire service policy board.

35 (4) All reports, documents, books, records, files, papers, or
36 written material in the possession of the Washington state patrol
37 relating to the functions transferred in this section shall be

1 delivered to the custody of the fire service policy board. All
2 cabinets, furniture, office equipment, motor vehicles, and other
3 tangible property employed by the Washington state patrol in carrying
4 out the powers, functions, and duties transferred shall be made
5 available to the fire service policy board. All funds, credits, or
6 other assets held in connection with the powers, functions, and
7 duties transferred shall be assigned to the fire service policy
8 board.

9 (5) Any appropriations made to the Washington state patrol for
10 carrying out the powers, functions, and duties transferred shall, on
11 the effective date of this section, be transferred and credited to
12 the fire service policy board and the fire marshal.

13 (6) If apportionments of budgeted funds are required because of
14 the transfers directed by this section, the director of financial
15 management shall certify the appropriate transfer and adjustments in
16 funds and appropriation accounts and equipment records in accordance
17 with this certification.

18 (7) Whenever any question arises as to the transfer of any
19 personnel, funds, books, documents, records, papers, files,
20 equipment, or other tangible property used or held in the exercise of
21 the powers and the performance of the duties and functions
22 transferred, the director of financial management shall make a
23 determination as to the proper allocation and certify the same to the
24 boards and agencies involved.

25 (8) Nothing contained in this section may be construed to alter
26 any existing collective bargaining agreement until the agreement has
27 expired or until the bargaining unit has been modified by action of
28 the personnel board as provided by law.

29 **Sec. 6.** RCW 43.43.938 and 2012 c 229 s 819 are each amended to
30 read as follows:

31 (1) Wherever the term state fire marshal appears in the Revised
32 Code of Washington or the Washington Administrative Code it shall
33 mean the director of fire protection.

34 (2) The (~~chief of the Washington state patrol~~) governor shall
35 appoint (~~an officer who shall be known as~~) the director of fire
36 protection. The director of fire protection must have executive
37 management experience within fire service or the equivalent.

1 (3) The director of fire protection may designate one or more
2 deputies and may delegate to those deputies his or her duties and
3 authorities as deemed appropriate.

4 (4) The director of fire protection shall prepare a biennial
5 budget pertaining to fire protection services. (~~Such biennial budget~~
6 ~~shall be submitted as part of the Washington state patrol's budget~~
7 ~~request.~~)

8 (5) The director of fire protection, shall implement and
9 administer, within constraints established by budgeted resources, all
10 duties of the chief of the Washington state patrol that are to be
11 carried out through the director of fire protection, and all of the
12 duties of the director of fire protection. Such administration shall
13 include negotiation of agreements with the state board for community
14 and technical colleges and the state colleges and universities as
15 provided in RCW 43.43.934. Programs covered by such agreements shall
16 include, but not be limited to, planning curricula, developing and
17 delivering instructional programs and materials, and using existing
18 instructional personnel and facilities. Where appropriate, such
19 contracts shall also include planning and conducting instructional
20 programs at the state fire service training center.

21 **Sec. 7.** RCW 43.43.960 and 2019 c 259 s 1 are each amended to
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this subchapter.

25 (1) "All risk resources" means those resources regularly provided
26 by fire departments, fire districts, and regional fire protection
27 service authorities required to respond to natural or man-made
28 incidents, including but not limited to:

- 29 (a) Wild land fires;
- 30 (b) Landslides;
- 31 (c) Earthquakes;
- 32 (d) Floods; and
- 33 (e) Contagious diseases.

34 (2) "Chief" means the chief of the Washington state patrol.

35 (3) "Fire chief" includes the chief officer of a statutorily
36 authorized fire agency, or the fire chief's authorized
37 representative. Also included are the department of natural resources
38 fire control chief, and the department of natural resources regional
39 managers.

1 (4) "Jurisdiction" means state, county, city, fire district,
2 regional fire protection service authority, or port district units,
3 or other units covered by this chapter.

4 (5) "Mobilization" means that all risk resources regularly
5 provided by fire departments, fire districts, and regional fire
6 protection service authorities beyond those available through
7 existing agreements will be requested and, when available, sent in
8 preparation of, or response to, an emergency or disaster situation
9 that has ~~((exceeded))~~ or is predicted to exceed the capabilities of
10 available local resources. During a large scale emergency,
11 mobilization includes the redistribution of regional or statewide
12 risk resources to either direct emergency incident assignments or to
13 assignment in communities where resources are needed. All risk
14 resources may not be mobilized to assist law enforcement with police
15 activities during a civil protest or demonstration, or other exercise
16 by the people of their constitutionally protected First Amendment
17 rights, or other protected concerted activity, however, fire
18 departments, fire districts, and regional fire protection service
19 authorities are not restricted from providing medical care or aid and
20 firefighting when mobilized for any purpose.

21 When mobilization is declared and authorized as provided in this
22 chapter, all risk resources regularly provided by fire departments,
23 fire districts, and regional fire protection service authorities
24 including those of the host fire protection authorities, i.e.
25 incident jurisdiction, shall be deemed as mobilized under this
26 chapter, including those that responded earlier under existing mutual
27 aid or other agreement. All nonhost fire protection authorities
28 providing resources in response to a mobilization declaration shall
29 be eligible for expense reimbursement as provided by this chapter
30 from the time of the mobilization declaration.

31 This chapter shall not reduce or suspend the authority or
32 responsibility of the department of natural resources under chapter
33 76.04 RCW.

34 (6) "Mutual aid" means emergency interagency assistance provided
35 without compensation under an agreement between jurisdictions under
36 chapter 39.34 RCW.

37 (7) "State fire marshal" means the director of fire protection
38 ~~((in the Washington state patrol))~~.

1 **Sec. 8.** RCW 4.24.400 and 1995 c 369 s 2 are each amended to read
2 as follows:

3 No building warden, who acts in good faith, with or without
4 compensation, shall be personally liable for civil damages arising
5 from his or her negligent acts or omissions during the course of
6 assigned duties in assisting others to evacuate industrial,
7 commercial, governmental or multiunit residential buildings or in
8 attempting to control or alleviate a hazard to the building or its
9 occupants caused by fire, earthquake or other threat to life or limb.
10 The term "building warden" means an individual who is assigned to
11 take charge of the occupants on a floor or in an area of a building
12 during an emergency in accordance with a predetermined fire safety or
13 evacuation plan; and/or an individual selected by a municipal fire
14 chief or the (~~chief of the Washington state patrol~~) fire service
15 policy board, through the director of fire protection, after an
16 emergency is in progress to assist in evacuating the occupants of
17 such a building or providing for their safety. This section shall not
18 apply to any acts or omissions constituting gross negligence or
19 (~~wilful~~) willful or wanton misconduct.

20 **Sec. 9.** RCW 9.40.100 and 2003 c 53 s 23 are each amended to read
21 as follows:

22 Any person who willfully and without cause tampers with, molests,
23 injures or breaks any public or private fire alarm apparatus,
24 emergency phone, radio, or other wire or signal, or any firefighting
25 equipment, or who willfully and without having reasonable grounds for
26 believing a fire exists, sends, gives, transmits, or sounds any false
27 alarm of fire, by shouting in a public place or by means of any
28 public or private fire alarm system or signal, or by telephone, is
29 guilty of a misdemeanor. This provision shall not prohibit the
30 testing of fire alarm systems by persons authorized to do so, by a
31 fire department or the (~~chief of the Washington state patrol~~) fire
32 service policy board, through the director of fire protection.

33 **Sec. 10.** RCW 18.20.130 and 2012 c 10 s 8 are each amended to
34 read as follows:

35 Standards for fire protection and the enforcement thereof, with
36 respect to all assisted living facilities to be licensed hereunder,
37 shall be the responsibility of the (~~chief of the Washington state~~
38 ~~patrol~~) fire service policy board, through the director of fire

1 protection, who shall adopt such recognized standards as may be
2 applicable to assisted living facilities for the protection of life
3 against the cause and spread of fire and fire hazards. The
4 department, upon receipt of an application for a license, shall
5 submit to the (~~chief of the Washington state patrol~~) fire service
6 policy board, through the director of fire protection, in writing, a
7 request for an inspection, giving the applicant's name and the
8 location of the premises to be licensed. Upon receipt of such a
9 request, the (~~chief of the Washington state patrol~~) fire service
10 policy board, through the director of fire protection, or his or her
11 deputy, shall make an inspection of the assisted living facility to
12 be licensed, and if it is found that the premises do not comply with
13 the required safety standards and fire rules as adopted by the
14 (~~chief of the Washington state patrol~~) fire service policy board,
15 through the director of fire protection, (~~he or she~~) shall promptly
16 make a written report to the assisted living facility and the
17 department as to the manner and time allowed in which the premises
18 must qualify for a license and set forth the conditions to be
19 remedied with respect to fire rules. The department, applicant, or
20 licensee shall notify the (~~chief of the Washington state patrol~~)
21 fire service policy board, through the director of fire protection,
22 upon completion of any requirements made by him or her, and the
23 (~~chief of the Washington state patrol~~) fire service policy board,
24 through the director of fire protection, or his or her deputy, shall
25 make a reinspection of such premises. Whenever the assisted living
26 facility to be licensed meets with the approval of the (~~chief of the~~
27 ~~Washington state patrol~~) fire service policy board, through the
28 director of fire protection, (~~he or she~~) they shall submit to the
29 department a written report approving same with respect to fire
30 protection before a full license can be issued. The (~~chief of the~~
31 ~~Washington state patrol~~) fire service policy board, through the
32 director of fire protection, shall make or cause to be made
33 inspections of such facilities at least annually.

34 In cities which have in force a comprehensive building code, the
35 provisions of which are determined by the (~~chief of the Washington~~
36 ~~state patrol~~) fire service policy board, through the director of
37 fire protection, to be equal to the minimum standards of the code for
38 assisted living facilities adopted by the (~~chief of the Washington~~
39 ~~state patrol~~) fire service policy board, through the director of
40 fire protection, the chief of the fire department, provided the

1 latter is a paid chief of a paid fire department, shall make the
2 inspection with the (~~chief of the Washington state patrol~~) fire
3 service policy board, through the director of fire protection, or his
4 or her deputy, and they shall jointly approve the premises before a
5 full license can be issued.

6 **Sec. 11.** RCW 18.46.110 and 2000 c 93 s 37 are each amended to
7 read as follows:

8 Fire protection with respect to all birthing centers to be
9 licensed hereunder, shall be the responsibility of the (~~chief of the~~
10 ~~Washington state patrol~~) fire service policy board, through the
11 director of fire protection, who shall adopt by reference, such
12 recognized standards as may be applicable to nursing homes, places of
13 refuge, and birthing centers for the protection of life against the
14 cause and spread of fire and fire hazards. The department upon
15 receipt of an application for a license, shall submit to the (~~chief~~
16 ~~of the Washington state patrol~~) fire service policy board, through
17 the director of fire protection, in writing, a request for an
18 inspection, giving the applicant's name and the location of the
19 premises to be licensed. Upon receipt of such a request, the (~~chief~~
20 ~~of the Washington state patrol~~) fire service policy board, through
21 the director of fire protection, or his or her deputy, shall make an
22 inspection of the birthing center to be licensed, and if it is found
23 that the premises do not comply with the required safety standards
24 and fire regulations as promulgated by the (~~chief of the Washington~~
25 ~~state patrol~~) fire service policy board, through the director of
26 fire protection, he or she shall promptly make a written report to
27 the department as to the manner in which the premises may qualify for
28 a license and set forth the conditions to be remedied with respect to
29 fire regulations. The department, applicant or licensee shall notify
30 the (~~chief of the Washington state patrol~~) fire service policy
31 board, through the director of fire protection, upon completion of
32 any requirements made by him or her, and the (~~chief of the~~
33 ~~Washington state patrol~~) fire service policy board, through the
34 director of fire protection, or his or her deputy, shall make a
35 reinspection of such premises. Whenever the birthing center to be
36 licensed meets with the approval of the (~~chief of the Washington~~
37 ~~state patrol~~) fire service policy board, through the director of
38 fire protection, he or she shall submit to the department, a written
39 report approving same with respect to fire protection before a

1 license can be issued. The (~~chief of the Washington state patrol~~)
2 fire service policy board, through the director of fire protection,
3 shall make or cause to be made such inspection of such birthing
4 centers as (~~he or she deems~~) deemed necessary.

5 In cities which have in force a comprehensive building code, the
6 regulation of which is equal to the minimum standards of the code for
7 birthing centers adopted by the (~~chief of the Washington state
8 patrol~~) fire service policy board, through the director of fire
9 protection, the building inspector and the chief of the fire
10 department, provided the latter is a paid chief of a paid fire
11 department, shall make the inspection and shall approve the premises
12 before a license can be issued.

13 In cities where such building codes are in force, the (~~chief of
14 the Washington state patrol~~) fire service policy board, through the
15 director of fire protection, may, upon request by the chief fire
16 official, or the local governing body, or of a taxpayer of such city,
17 assist in the enforcement of any such code pertaining to birthing
18 centers.

19 **Sec. 12.** RCW 18.51.140 and 1995 1st sp.s. c 18 s 43 are each
20 amended to read as follows:

21 Standards for fire protection and the enforcement thereof, with
22 respect to all nursing homes to be licensed hereunder, shall be the
23 responsibility of the (~~chief of the Washington state patrol~~) fire
24 service policy board, through the director of fire protection, who
25 shall adopt such recognized standards as may be applicable to nursing
26 homes for the protection of life against the cause and spread of fire
27 and fire hazards. The department upon receipt of an application for a
28 license, shall submit to the (~~chief of the Washington state patrol~~)
29 fire service policy board, through the director of fire protection,
30 in writing, a request for an inspection, giving the applicant's name
31 and the location of the premises to be licensed. Upon receipt of such
32 a request, the (~~chief of the Washington state patrol~~) fire service
33 policy board, through the director of fire protection, or his or her
34 deputy, shall make an inspection of the nursing home to be licensed,
35 and if it is found that the premises do not comply with the required
36 safety standards and fire regulations as promulgated by the (~~chief
37 of the Washington state patrol~~) fire service policy board, through
38 the director of fire protection, he or she shall promptly make a
39 written report to the nursing home and the department as to the

1 manner and time allowed in which the premises must qualify for a
2 license and set forth the conditions to be remedied with respect to
3 fire regulations. The department, applicant or licensee shall notify
4 the (~~chief of the Washington state patrol~~) fire service policy
5 board, through the director of fire protection, upon completion of
6 any requirements made by him or her, and the (~~chief of the~~
7 ~~Washington state patrol~~) fire service policy board, through the
8 director of fire protection, or his or her deputy, shall make a
9 reinspection of such premises. Whenever the nursing home to be
10 licensed meets with the approval of the (~~chief of the Washington~~
11 ~~state patrol~~) fire service policy board, through the director of
12 fire protection, he or she shall submit to the department, a written
13 report approving same with respect to fire protection before a full
14 license can be issued. The (~~chief of the Washington state patrol~~)
15 fire service policy board, through the director of fire protection,
16 shall make or cause to be made inspections of such nursing homes at
17 least every eighteen months.

18 In cities which have in force a comprehensive building code, the
19 provisions of which are determined by the (~~chief of the Washington~~
20 ~~state patrol~~) fire service policy board, through the director of
21 fire protection, to be equal to the minimum standards of the code for
22 nursing homes adopted by the (~~chief of the Washington state patrol~~)
23 fire service policy board, through the director of fire protection,
24 the chief of the fire department, provided the latter is a paid chief
25 of a paid fire department, shall make the inspection with the (~~chief~~
26 ~~of the Washington state patrol~~) fire service policy board, through
27 the director of fire protection, or his or her deputy and they shall
28 jointly approve the premises before a full license can be issued.

29 **Sec. 13.** RCW 18.51.145 and 1995 c 369 s 7 are each amended to
30 read as follows:

31 Inspections of nursing homes by local authorities shall be
32 consistent with the requirements of chapter 19.27 RCW, the state
33 building code. Findings of a serious nature shall be coordinated with
34 the department and the (~~chief of the Washington state patrol~~) fire
35 service policy board, through the director of fire protection, for
36 determination of appropriate actions to ensure a safe environment for
37 nursing home residents. The (~~chief of the Washington state patrol~~)
38 fire service policy board, through the director of fire protection,

1 shall have exclusive authority to determine appropriate corrective
2 action under this section.

3 **Sec. 14.** RCW 19.27A.110 and 1995 c 369 s 8 are each amended to
4 read as follows:

5 The (~~chief of the Washington state patrol~~) fire service policy
6 board, through the director of fire protection, is the only authority
7 having jurisdiction over the approval of portable oil-fueled heaters.
8 The sale and use of portable oil-fueled heaters is governed
9 exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That
10 cities and counties may adopt local standards as provided in RCW
11 19.27.040.

12 **Sec. 15.** RCW 43.43.934 and 2015 c 43 s 1 are each amended to
13 read as follows:

14 The director of fire protection shall:

15 (1) (a) (i) With the state board for community and technical
16 colleges, provide academic, vocational, and field training programs
17 for the fire service; and (ii) with the state colleges and
18 universities, provide instructional programs requiring advanced
19 training, especially in command and management skills;

20 (b) Cooperate with the common schools, technical and community
21 colleges, institutions of higher education, and any department or
22 division of the state, or of any county or municipal corporation in
23 establishing and maintaining instruction in fire service training and
24 education in accordance with any act of congress and legislation
25 enacted by the legislature in pursuance thereof and in establishing,
26 building, and operating training and education facilities.

27 Industrial fire departments and private fire investigators may
28 participate in training and education programs under this chapter for
29 a reasonable fee established by rule;

30 (c) Develop and adopt a master plan for constructing, equipping,
31 maintaining, and operating necessary fire service training and
32 education facilities subject to the provisions of chapter 43.19 RCW;

33 (d) Develop and adopt a master plan for the purchase, lease, or
34 other acquisition of real estate necessary for fire service training
35 and education facilities in a manner provided by law; and

36 (e) (i) Develop and adopt a plan for the (~~Washington state~~
37 ~~patrol~~) fire service policy board fire training academy to deliver
38 basic firefighter training and testing to all city fire departments,

1 fire protection districts, regional fire protection service
2 authorities, and other public fire agencies in the state. The plan
3 required by this subsection (1)(e) must specify that the delivery of
4 training and testing services will be provided:

5 (A) To recipients in the following order of priority:

6 (I) Volunteer departments;

7 (II) Combination departments; and

8 (III) Fire agencies that employ only career firefighters and fire
9 officers; and

10 (B) By personnel of the fire training academy, either at the
11 academy's facilities in North Bend, Washington, or regionally at
12 local fire agencies.

13 (ii)(A) In lieu of receiving training and testing services from
14 the fire training academy, city fire departments, fire protection
15 districts, regional fire protection service authorities, and other
16 public fire agencies in the state may seek reimbursement for their
17 firefighter I training expenses. The amount of reimbursement will be
18 calculated on a per capita basis. The per capita amount is equal to
19 the three-year statewide firefighter per capita average for the
20 regional direct delivery of training by the fire training academy.
21 The three-year statewide firefighter per capita average is calculated
22 by dividing the number of firefighters trained using the regional
23 direct delivery program during the three-year period into the total
24 cost of providing regional direct delivery during the same three-year
25 period. The regional direct delivery costs used for the basis of
26 these calculations does not include the costs of the fire training
27 academy personnel used to coordinate the direct delivery programs,
28 the state's indirect costs, or any other indirect costs.

29 (B) Prior to the implementation of the reimbursement provisions
30 in (e)(ii)(A) of this subsection, the amount of reimbursement for
31 city fire departments, fire protection districts, regional fire
32 protection service authorities, and other public fire agencies must
33 be not less than three dollars for every one hour of firefighter I
34 training, and may not exceed two hundred hours.

35 (iii) Subject to approval by the director of fire protection, and
36 in accordance with the plan required by this subsection (1)(e), the
37 fire training academy facilities and programs must be made available
38 at no cost to fire service youth programs. The goal of making these
39 facilities and programs available is to increase enrollment of

1 volunteer firefighters, and to improve gender, cultural, and ethnic
2 diversity within the fire service.

3 (iv) For purposes of this subsection (1)(e), the following
4 definitions apply:

5 (A) "Basic firefighter training and testing" means training and
6 testing for firefighters that is up to and includes the requirements
7 of firefighter I, as identified by the national fire protection
8 association standard 1001;

9 (B) "Combination department" means a fire department with
10 emergency service personnel comprising less than eighty-five percent
11 of either volunteer or career membership;

12 (C) "Delivery of training" includes all resources, personnel, and
13 equipment necessary to deliver training at the fire academy in North
14 Bend, Washington, or regionally at local fire agencies; and

15 (D) "Volunteer department" means a fire department with volunteer
16 emergency service personnel comprising eighty-five percent or greater
17 of its department membership.

18 (2)(a) Promote mutual aid and disaster planning for fire services
19 in this state;

20 (b) Assure the dissemination of information concerning the amount
21 of fire damage including that damage caused by arson, and its causes
22 and prevention; and

23 (c) Implement any legislation enacted by the legislature to meet
24 the requirements of any acts of congress that apply to this section.

25 (3) In carrying out its statutory duties, the office of the state
26 fire marshal shall give particular consideration to the appropriate
27 roles to be played by the state and by local jurisdictions with fire
28 protection responsibilities. Any determinations on the division of
29 responsibility shall be made in consultation with local fire
30 officials and their representatives.

31 To the extent possible, the office of the state fire marshal
32 shall encourage development of regional units along compatible
33 geographic, population, economic, and fire risk dimensions. Such
34 regional units may serve to: (a) Reinforce coordination among state
35 and local activities in fire service training, reporting,
36 inspections, and investigations; (b) identify areas of special need,
37 particularly in smaller jurisdictions with inadequate resources; (c)
38 assist the state in its oversight responsibilities; (d) identify
39 funding needs and options at both the state and local levels; and (e)

1 provide models for building local capacity in fire protection
2 programs.

3 **Sec. 16.** RCW 43.43.938 and 2023 c ... s 6 (section 6 of this
4 act) are each amended to read as follows:

5 (1) Wherever the term state fire marshal appears in the Revised
6 Code of Washington or the Washington Administrative Code it shall
7 mean the director of fire protection.

8 (2) The governor shall appoint the director of fire protection.
9 The director of fire protection must have executive management
10 experience within fire service or the equivalent.

11 (3) The director of fire protection may designate one or more
12 deputies and may delegate to those deputies his or her duties and
13 authorities as deemed appropriate.

14 (4) The director of fire protection shall prepare a biennial
15 budget pertaining to fire protection services.

16 (5) The director of fire protection, shall implement and
17 administer, within constraints established by budgeted resources, all
18 duties of the (~~chief of the Washington state patrol~~) fire service
19 policy board that are to be carried out through the director of fire
20 protection, and all of the duties of the director of fire protection.
21 Such administration shall include negotiation of agreements with the
22 state board for community and technical colleges and the state
23 colleges and universities as provided in RCW 43.43.934 (as recodified
24 by this act). Programs covered by such agreements shall include, but
25 not be limited to, planning curricula, developing and delivering
26 instructional programs and materials, and using existing
27 instructional personnel and facilities. Where appropriate, such
28 contracts shall also include planning and conducting instructional
29 programs at the state fire service training center.

30 **Sec. 17.** RCW 43.43.939 and 2013 c 227 s 2 are each amended to
31 read as follows:

32 The (~~chief of the Washington state patrol~~) fire service policy
33 board, through the director of fire protection, shall have the power
34 and it shall be his or her duty to adopt licensing minimum standard
35 requirements for before-school and after-school programs in existing
36 buildings approved by the state fire marshal.

1 **Sec. 18.** RCW 43.43.940 and 1995 c 369 s 19 are each amended to
2 read as follows:

3 The (~~Washington state patrol~~) fire service policy board may
4 accept any and all donations, grants, bequests, and devises,
5 conditional or otherwise, or money, property, service, or other
6 things of value which may be received from the United States or any
7 agency thereof, any governmental agency, any institution, person,
8 firm, or corporation, public and private, to be held, used, or
9 applied for the purposes of the fire service training program
10 established in RCW 43.43.934 (as recodified by this act).

11 **Sec. 19.** RCW 43.43.942 and 1995 c 369 s 20 are each amended to
12 read as follows:

13 The (~~Washington state patrol~~) fire service policy board may:
14 (1) Impose and collect fees for fire service training; and (2)
15 establish and set fee schedules for fire service training.

16 **Sec. 20.** RCW 43.43.944 and 2020 c 88 s 6 are each amended to
17 read as follows:

18 (1) The fire service training account is hereby established in
19 the state treasury. The primary purpose of the account is firefighter
20 training for both volunteer and career firefighters. The fund shall
21 consist of:

22 (a) All fees received by the (~~Washington state patrol~~) fire
23 service policy board for fire service training;

24 (b) All grants and bequests accepted by the (~~Washington state~~
25 ~~patrol~~) fire service policy board under RCW 43.43.940 (as recodified
26 by this act);

27 (c) (~~Twenty~~) 30 percent of all moneys received by the state on
28 fire insurance premiums;

29 (d) Revenue from penalties established under RCW 19.27.740; and

30 (e) General fund—state moneys appropriated into the account by
31 the legislature.

32 (2) Moneys in the account may be appropriated for: (a) Fire
33 service training; (b) school fire prevention activities within the
34 (~~Washington state patrol~~) fire service policy board; and (c) the
35 maintenance, operations, and capital projects of the state fire
36 training academy. However, expenditures for purposes of (b) and (c)
37 of this subsection may only be made to the extent that these
38 expenditures do not adversely affect expenditures for the purpose of

1 (a) of this subsection. The (~~state patrol~~) fire service policy
2 board may use amounts appropriated from the fire service training
3 account under this section to contract with the Washington state
4 firefighters apprenticeship trust for the operation of the
5 firefighter joint apprenticeship training program. The contract may
6 call for payments on a monthly basis.

7 (3) Any general fund—state moneys appropriated into the account
8 shall be allocated solely to the firefighter joint apprenticeship
9 training program. The (~~Washington state patrol~~) fire service policy
10 board may contract with outside entities for the administration and
11 delivery of the firefighter joint apprenticeship training program.

12 **Sec. 21.** RCW 43.43.948 and 1995 c 369 s 22 are each amended to
13 read as follows:

14 Money from the fire services trust fund may be expended for the
15 following purposes:

16 (1) Training of fire service personnel, including both classroom
17 and hands-on training at the state fire training center or other
18 locations approved by the (~~chief of the Washington state patrol~~)
19 fire service policy board through the director of fire protection
20 services;

21 (2) Maintenance and operation at the state's fire training center
22 near North Bend. If in the future the state builds or leases other
23 facilities as other fire training centers, a portion of these moneys
24 may be used for the maintenance and operation at these centers;

25 (3) Lease or purchase of equipment for use in the provisions of
26 training to fire service personnel;

27 (4) Grants or subsidies to local jurisdictions to allow them to
28 perform their functions under this section;

29 (5) Costs of administering these programs under this section;

30 (6) Licensing and enforcement of state laws governing the sales
31 of fireworks; and

32 (7) Development with the legal fireworks industry and funding of
33 a statewide public education program for fireworks safety.

34 **Sec. 22.** RCW 43.43.952 and 1995 c 369 s 64 are each amended to
35 read as follows:

36 (1) The legislature finds that provisions for information systems
37 relating to statistics and reporting for fire prevention,
38 suppression, and damage control do not adequately address the needs

1 of ongoing investigations of fire incidents where the cause is
2 suspected or determined to be the result of negligence or otherwise
3 suggestive of some criminal activity, particularly that of arson. It
4 is the intent of the legislature to establish an information and
5 reporting system designed specifically to assist state and local
6 officers in conducting such investigations and, where substantiated,
7 to undertake prosecution of individuals suspected of such activities.

8 (2) (a) In addition to the information provided by local officials
9 about the cause, origin, and extent of loss in fires under this
10 chapter (~~((48.48—RCW))~~), there is hereby created the state arson
11 investigation information system in the (~~(Washington state patrol)~~)
12 fire service policy board.

13 (b) The (~~(chief of the Washington state patrol)~~) fire service
14 policy board shall develop the arson investigation information system
15 in consultation with representatives of the various state and local
16 officials charged with investigating fires resulting from suspicious
17 or criminal activities under this chapter (~~((48.48—RCW))~~) and of the
18 insurance industry.

19 (c) The arson investigation information system shall be designed
20 to include at least the following attributes: (i) The information
21 gathered and reported shall meet the diverse needs of state and local
22 investigating agencies; (ii) the forms and reports are drafted in
23 understandable terms of common usage; and (iii) the results shall be
24 adaptable to the varying levels of available resources, maintained in
25 a manner to foster data sharing and mutual aid activities, and made
26 available to other law enforcement agencies responsible for criminal
27 investigations.

28 (d) All insurers required to report claim information under the
29 provisions of chapter 48.50 RCW shall cooperate fully with any
30 requests from the (~~(chief of the Washington state patrol)~~) fire
31 service policy board in developing and maintaining the arson
32 investigation information system. The confidentiality provisions of
33 that chapter shall be fully enforced.

34 **Sec. 23.** RCW 43.43.961 and 2015 c 181 s 3 are each amended to
35 read as follows:

36 Because of the possibility of the occurrence of disastrous fires
37 or other disasters of unprecedented size and destructiveness, the
38 need to insure that the state is adequately prepared to respond to
39 such a fire or disaster, the need to establish a mechanism and a

1 procedure to provide for reimbursement to state agencies and local
2 agencies that respond to help others in time of need or to a host
3 fire district that experiences expenses beyond the resources of the
4 fire district, and generally to protect the public peace, health,
5 safety, lives, and property of the people of Washington, it is hereby
6 declared necessary to:

7 (1) Provide the policy and organizational structure for large
8 scale mobilization of all risk resources in the state through
9 creation of the Washington state fire services mobilization plan;

10 (2) Confer upon the ((chief)) fire service policy board the
11 powers provided herein;

12 (3) Provide a means for reimbursement to state agencies and local
13 fire jurisdictions that incur expenses when mobilized by the
14 ((chief)) director of fire protection under the Washington state fire
15 services mobilization plan; and

16 (4) Provide for reimbursement of the host fire department or fire
17 protection district when it has: (a) Exhausted all of its resources;
18 and (b) invoked its local mutual aid network and exhausted those
19 resources. Upon implementation of state fire mobilization, the host
20 district resources shall become state fire mobilization resources
21 consistent with the fire mobilization plan.

22 It is the intent of the legislature that mutual aid and other
23 interlocal agreements providing for enhanced emergency response be
24 encouraged as essential to the public peace, safety, health, and
25 welfare, and for the protection of the lives and property of the
26 people of the state of Washington. If possible, mutual aid agreements
27 should be without stated limitations as to resources available, time,
28 or area. Nothing in this chapter shall be construed or interpreted to
29 limit the eligibility of any nonhost fire protection authority for
30 reimbursement of expenses incurred in providing all risk resources
31 for mobilization provided that the mobilization must meet the
32 requirements identified in the Washington state fire service
33 mobilization plan.

34 **Sec. 24.** RCW 43.43.962 and 2010 1st sp.s. c 7 s 47 are each
35 amended to read as follows:

36 The director of fire protection shall review and make
37 recommendations to the ((chief)) fire service policy board on the
38 refinement and maintenance of the Washington state fire services
39 mobilization plan, which shall include the procedures to be used

1 during fire and other emergencies for coordinating local, regional,
2 and state fire jurisdiction resources. In carrying out this duty, the
3 director of fire protection shall consult with and solicit
4 recommendations from representatives of state and local fire and
5 emergency management organizations, regional fire defense boards, and
6 the department of natural resources. The Washington state fire
7 services mobilization plan shall be consistent with, and made part
8 of, the Washington state comprehensive emergency management plan. The
9 ((chief)) fire service policy board shall review the fire services
10 mobilization plan as submitted by the director of fire protection,
11 recommend changes that may be necessary, and approve the fire
12 services mobilization plan for inclusion within the state
13 comprehensive emergency management plan.

14 It is the responsibility of the ((chief)) fire service policy
15 board to mobilize jurisdictions under the Washington state fire
16 services mobilization plan. The state fire marshal shall serve as the
17 state fire resources coordinator when the Washington state fire
18 services mobilization plan is mobilized.

19 **Sec. 25.** RCW 43.43.964 and 2003 c 405 s 4 are each amended to
20 read as follows:

21 The ((Washington state patrol)) fire service policy board in
22 consultation with the office of financial management and the
23 Washington military department shall develop procedures to facilitate
24 reimbursement to state agencies and jurisdictions from appropriate
25 federal and state funds when state agencies and jurisdictions are
26 mobilized by the ((chief)) fire service policy board under the
27 Washington state fire services mobilization plan. The ((Washington
28 state patrol)) fire service policy board shall ensure that these
29 procedures provide reimbursement to the host district in as timely a
30 manner as possible.

31 **Sec. 26.** RCW 43.43.965 and 2015 c 181 s 4 are each amended to
32 read as follows:

33 The ((chief of the Washington state patrol)) fire service policy
34 board must report on an annual basis the following information for
35 each emergency or disaster in which the Washington state fire service
36 mobilization plan was used for purposes other than fire suppression,
37 and reimbursement was made under RCW 43.43.961 (as recodified by this
38 act):

- 1 (1) The type and nature of the disaster or emergency;
- 2 (2) The reasons why the host jurisdiction and mutual aid
3 resources were exhausted;
- 4 (3) The additional risk resources provided under the mobilization
5 plan;
- 6 (4) The cost incurred by the (~~state patrol~~) fire service policy
7 board;
- 8 (5) The amount of reimbursement made under RCW 43.43.961 (as
9 recodified by this act) to the host jurisdiction and to each nonhost
10 jurisdiction providing all risk resources; and
- 11 (6) An assessment and any recommendations of actions that can be
12 taken by the host jurisdiction and its mutual aid network to prevent
13 future use of the fire mobilization plan for similar disasters or
14 emergencies.

15 **Sec. 27.** RCW 43.44.010 and 1995 c 369 s 25 are each amended to
16 read as follows:

17 (1) The (~~chief of the Washington state patrol~~) fire service
18 policy board, through the director of fire protection or his or her
19 authorized deputy, shall have authority at all times of day and
20 night, in the performance of duties imposed by this chapter, to enter
21 upon and examine any building or premises where any fire has occurred
22 and other buildings and premises adjoining or near thereto.

23 (2) The (~~chief of the Washington state patrol~~) fire service
24 policy board, through the director of fire protection or his or her
25 authorized deputy, shall have authority at any reasonable hour to
26 enter into any public building or premises or any building or
27 premises used for public purposes to inspect for fire hazards.

28 **Sec. 28.** RCW 43.44.020 and 1995 c 369 s 26 are each amended to
29 read as follows:

30 (1) The (~~chief of the Washington state patrol~~) fire service
31 policy board, through the director of fire protection or his or her
32 authorized deputy, shall have authority to enter upon all premises
33 and into all buildings except private dwellings for the purpose of
34 inspection to ascertain if any fire hazard exists, and to require
35 conformance with minimum standards for the prevention of fire and for
36 the protection of life and property against fire and panic as to use
37 of premises, and may adopt by reference nationally recognized
38 standards applicable to local conditions.

1 (2) The (~~chief of the Washington state patrol~~) fire service
2 policy board, through the director of fire protection or his or her
3 authorized deputy, may, upon request by the chief fire official or
4 the local governing body or of taxpayers of such area, assist in the
5 enforcement of any such code.

6 **Sec. 29.** RCW 43.44.040 and 1995 c 369 s 27 are each amended to
7 read as follows:

8 (1) If the (~~chief of the Washington state patrol~~) fire service
9 policy board, through the director of fire protection or his or her
10 authorized deputy, finds in any building or premises subject to their
11 inspection under this chapter, any combustible material or flammable
12 conditions or fire hazards dangerous to the safety of the building,
13 premises, or to the public, he or she shall by written order require
14 such condition to be remedied, and such order shall forthwith be
15 complied with by the owner or occupant of the building or premises.

16 (2) An owner or occupant aggrieved by any such order made by the
17 (~~chief of the Washington state patrol~~) fire service policy board,
18 through the director of fire protection or his or her deputy, may
19 appeal such order pursuant to chapter 34.05 RCW. If the order is
20 confirmed, the order shall remain in force and be complied with by
21 the owner or occupant.

22 (3) Any owner or occupant failing to comply with any such order
23 not appealed from or with any order so confirmed shall be punishable
24 by a fine of not less than ten dollars nor more than fifty dollars
25 for each day such failure exists.

26 **Sec. 30.** RCW 43.44.050 and 1996 c 161 s 1 are each amended to
27 read as follows:

28 (1) The responsibility for investigating the origin, cause,
29 circumstances, and extent of loss of all fires shall be assigned as
30 follows:

- 31 (a) Within any city or town, the chief of the fire department;
32 (b) Within unincorporated areas of a county, the county fire
33 marshal, or other fire official so designated by the county
34 legislative authority.

35 (2) No fire marshal, or other person, may enter the scene of an
36 emergency until permitted by the officer in charge of the emergency
37 incident.

1 (3) Nothing shall prevent any city, town, county, or fire
2 protection district, or any combination thereof, from entering into
3 interlocal agreements to meet the responsibility required by this
4 section.

5 (4) When any fire investigation indicates that the cause of the
6 fire is determined to be suspicious or criminal in nature, the person
7 responsible for the fire investigation shall immediately report the
8 results of said investigation to the local law enforcement agency
9 ((and)), ~~the ((chief of the Washington state patrol, through))~~ fire
10 service policy board, and the state fire marshal.

11 (5) In addition to the responsibility imposed by this section,
12 any law enforcement agency, sheriff, or chief of police may assist in
13 the investigation of the origin, cause, circumstances, and extent of
14 loss of all fires within his or her respective jurisdiction.

15 (6) The ~~((chief of the Washington state patrol))~~ fire service
16 policy board, through the director of fire protection or his or her
17 deputy, may investigate any fire for the purpose of determining its
18 cause, origin, and the extent of the loss. The ~~((chief of the~~
19 ~~Washington state patrol))~~ fire service policy board, through the
20 director of fire protection or his or her deputy, shall assist in the
21 investigation of those fires of criminal, suspected, or undetermined
22 cause when requested by the reporting agency. In the investigation of
23 any fire of criminal, suspected, or undetermined cause, the ~~((chief~~
24 ~~of the Washington state patrol))~~ fire service policy board and the
25 director of fire protection or his or her deputy, are vested with
26 police powers to enforce the laws of this state. To exercise these
27 powers, authorized deputies must receive prior written authorization
28 from the ~~((chief of the Washington state patrol))~~ fire service policy
29 board, through the director of fire protection, and shall have
30 completed a course of training prescribed by the Washington state
31 criminal justice training commission.

32 **Sec. 31.** RCW 43.44.060 and 2017 c 308 s 1 are each amended to
33 read as follows:

34 (1) The chief of each organized fire department, or the sheriff
35 or other designated county official having jurisdiction over areas
36 not within the jurisdiction of any fire department, shall report
37 statistical information and data to the ~~((chief of the Washington~~
38 ~~state patrol))~~ fire service policy board, through the director of
39 fire protection, on each fire occurring within the official's

1 jurisdiction and, within two business days, report any death
2 resulting from fire.

3 (2) Reports submitted pursuant to subsection (1) of this section
4 shall be consistent with the national fire incident reporting system
5 developed by the United States fire administration and rules
6 established by the (~~chief of the Washington state patrol~~) fire
7 service policy board, through the director of fire protection. Rules
8 established by the (~~chief of the Washington state patrol~~) fire
9 service policy board, through the director of fire protection, must
10 require fire departments to report data on the age of any structure
11 involved in a fire when that information is available through
12 property records or other methods.

13 (3) Subject to availability of amounts appropriated for this
14 specific purpose, the (~~chief of the Washington state patrol~~) fire
15 service policy board, through the director of fire protection, shall
16 administer the national fire incident reporting system including, but
17 not limited to, the following responsibilities:

18 (a) Purchasing equipment, including software, needed for the
19 operation of the reporting system;

20 (b) Establishing procedures, standards, and guidelines pertaining
21 to the statistical information and data reported by fire departments
22 through the reporting system;

23 (c) Providing training and education to fire departments
24 pertaining to the reporting system; and

25 (d) Employing staff to administer the reporting system, as
26 needed.

27 (4) The (~~chief of the Washington state patrol~~) fire service
28 policy board, through the director of fire protection, and the
29 department of natural resources shall jointly determine the
30 statistical information to be reported on fires on land under the
31 jurisdiction of the department of natural resources.

32 (5) The (~~chief of the Washington state patrol~~) fire service
33 policy board, through the director of fire protection, shall analyze
34 the information and data reported, compile a report, and distribute a
35 copy annually by July 1st to each chief fire official in the state.
36 Upon request, the (~~chief of the Washington state patrol~~) fire
37 service policy board, through the director of fire protection, shall
38 also furnish a copy of the report to any other interested person at
39 cost.

1 (6) For purposes of this section, "national fire incident
2 reporting system" or "reporting system" means the national fire
3 incident reporting system or the state equivalent as selected by the
4 (~~chief of the Washington state patrol~~) fire service policy board,
5 through the director of fire protection.

6 **Sec. 32.** RCW 43.44.070 and 1995 c 369 s 30 are each amended to
7 read as follows:

8 In the conduct of any investigation into the cause, origin, or
9 loss resulting from any fire, the (~~chief of the Washington state
10 patrol~~) fire service policy board and the director of fire
11 protection shall have the same power and rights relative to securing
12 the attendance of witnesses and the taking of testimony under oath as
13 is conferred upon the insurance commissioner under RCW 48.03.070.
14 False swearing by any such witness shall be deemed to be perjury and
15 shall be subject to punishment as such.

16 **Sec. 33.** RCW 43.44.080 and 1995 c 369 s 31 are each amended to
17 read as follows:

18 If as the result of any such investigation, or because of any
19 information received, the (~~chief of the Washington state patrol~~)
20 fire service policy board, through the director of fire protection,
21 is of the opinion that there is evidence sufficient to charge any
22 person with any crime, he or she may cause such person to be arrested
23 and charged with such offense, and shall furnish to the prosecuting
24 attorney of the county in which the offense was committed, the names
25 of witnesses and all pertinent and material evidence and testimony
26 within his or her possession relative to the offense.

27 **Sec. 34.** RCW 43.44.090 and 1995 c 369 s 32 are each amended to
28 read as follows:

29 The (~~chief of the Washington state patrol~~) fire service policy
30 board, through the director of fire protection, shall keep on file
31 all reports of fires made to him or her pursuant to this code. Such
32 records shall at all times during business hours be open to public
33 inspection; except, that any testimony taken in a fire investigation
34 may, in the discretion of the (~~chief of the Washington state
35 patrol~~) fire service policy board, through the director of fire
36 protection, be withheld from public scrutiny. The (~~chief of the
37 Washington state patrol~~) fire service policy board, through the

1 director of fire protection, may destroy any such report after five
2 years from its date.

3 **Sec. 35.** RCW 43.44.110 and 2019 c 455 s 1 are each amended to
4 read as follows:

5 (1) Smoke detection devices shall be installed inside all
6 dwelling units:

7 (a) Occupied by persons other than the owner on and after
8 December 31, 1981;

9 (b) Built or manufactured in this state after December 31, 1980;
10 or

11 (c) Sold on or after July 1, 2019.

12 (2) The smoke detection devices shall be designed, manufactured,
13 and installed inside dwelling units in conformance with:

14 (a) Nationally accepted standards; and

15 (b) As provided by the administrative procedure act, chapter
16 34.05 RCW, rules and regulations promulgated by the (~~chief of the~~
17 ~~Washington state patrol~~) fire service policy board, through the
18 director of fire protection.

19 (3) Installation of smoke detection devices shall be the
20 responsibility of the owner. Maintenance of smoke detection devices,
21 including the replacement of batteries where required for the proper
22 operation of the smoke detection device, shall be the responsibility
23 of the tenant, who shall maintain the device as specified by the
24 manufacturer. At the time of a vacancy, the owner shall insure that
25 the smoke detection device is operational prior to the reoccupancy of
26 the dwelling unit.

27 (4) (a) For any dwelling unit sold on or after July 1, 2019, that
28 does not have at least one smoke detection device, the seller shall
29 provide at least one smoke detection device in the dwelling unit
30 before the buyer or any other person occupies the dwelling unit
31 following such sale. A violation of this subsection does not affect
32 the transfer of the title, ownership, or possession of the dwelling
33 unit.

34 (b) Real estate brokers licensed under chapter 18.85 RCW are not
35 liable in any civil, administrative, or other proceeding for the
36 failure of any seller or other property owner to comply with the
37 requirements of this section.

38 (c) Any person or entity that assists the buyer of a dwelling
39 (~~unit~~) unit with installing a smoke detection device, whether

1 they are voluntarily doing so or as a nonprofit, is not liable in any
2 civil, administrative, or other proceeding relating to the
3 installation of the smoke detection device.

4 (d) Interconnection of smoke detection devices is not required
5 where not already present in buildings undergoing repairs undertaken
6 solely as a condition of sale.

7 (5) (a) Except as provided in (b) of this subsection (5), any
8 owner, seller, or tenant failing to comply with this section shall be
9 punished by a fine of not more than two hundred dollars.

10 (b) Any owner failing to comply with this section shall be
11 punished by a fine of five thousand dollars if, after such failure, a
12 fire causes property damage, personal injury, or death to a tenant or
13 a member of a tenant's household. All moneys received pursuant to (a)
14 or (b) of this subsection, except for administrative costs for
15 enforcing the fine, shall be deposited into the smoke detection
16 device awareness account created in RCW 43.44.115. Enforcement shall
17 occur after a fire occurs and when it is evident that the dwelling
18 unit sold on or after July 1, 2019, did not have at least one smoke
19 detection device. The following may enforce this subsection:

20 (i) The chief of the fire department if the dwelling unit is
21 located within a city or town; or

22 (ii) The county fire marshal or other fire official so designated
23 by the county legislative authority if the dwelling unit is located
24 within unincorporated areas of a county.

25 (6) For the purposes of this section:

26 (a) "Dwelling unit" means a single unit providing complete,
27 independent living facilities for one or more persons including
28 permanent provisions for living, sleeping, eating, cooking, and
29 sanitation; and

30 (b) "Smoke detection device" means an assembly incorporating in
31 one unit a device which detects visible or invisible particles of
32 combustion, the control equipment, and the alarm-sounding device,
33 operated from a power supply either in the unit or obtained at the
34 point of installation.

35 **Sec. 36.** RCW 43.44.115 and 2019 c 455 s 2 are each amended to
36 read as follows:

37 The smoke detection device awareness account is created in the
38 custody of the state treasurer. All receipts from fines imposed
39 pursuant to RCW 43.44.110(5) must be deposited into the account.

1 Expenditures from the account may be used only for the purposes of
2 raising public awareness of owners and tenants' duties pertaining to
3 smoke detection devices under RCW 43.44.110 and of the danger to life
4 and property resulting from a failure to comply with those duties and
5 for administrative costs related to enforcement of the fine created
6 in RCW 43.44.110(5)(b). Only the (~~Washington state patrol~~) fire
7 service policy board, through the director of fire protection or the
8 director of fire protection's authorized deputy, may authorize
9 expenditures from the account. The account is subject to the
10 allotment procedures under chapter 43.88 RCW, but an appropriation is
11 not required for expenditures.

12 **Sec. 37.** RCW 43.44.120 and 1995 c 369 s 35 are each amended to
13 read as follows:

14 (1) All premises guarded by guard animals, which are animals
15 professionally trained to defend and protect premises or the
16 occupants of the premises, shall be registered with the local fire
17 department. Front entrances to residences and all entrances to
18 business premises shall be posted in a visible location with signs
19 approved by the (~~chief of the Washington state patrol~~) fire service
20 policy board, through the director of fire protection, indicating
21 that guard animals are present.

22 (2) A firefighter, who reasonably believes that his or her safety
23 is endangered by the presence of a guard animal, may without
24 liability: (a) Refuse to enter the premises, or (b) take any
25 reasonable action necessary to protect himself or herself from attack
26 by the guard animal.

27 (3) If the person responsible for the guard animal being on the
28 premises does not comply with subsection (1) of this section, that
29 person may be held liable for any injury to the firefighter caused by
30 the presence of the guard animal.

31 **Sec. 38.** RCW 43.44.130 and 2000 c 191 s 20 are each amended to
32 read as follows:

33 (1) The (~~chief of the Washington state patrol~~) fire service
34 policy board, through the director of fire protection or his or her
35 authorized deputy, shall, in consultation with the emergency
36 management program within the state military department, the
37 department of ecology, the utilities and transportation commission,
38 and local emergency services organizations:

1 (a) Evaluate the preparedness of local first responders in
2 meeting emergency management demands under subsection (2) of this
3 section; and

4 (b) Conduct an assessment of the equipment and personnel needed
5 by local first responders to meet emergency management demands
6 related to pipelines.

7 (2) The (~~chief of the Washington state patrol~~) fire service
8 policy board, through the director of fire protection or his or her
9 deputy, shall develop curricula for training local first responders
10 to deal with hazardous liquid and gas pipeline accidents. The
11 curricula shall be developed in conjunction with pipeline companies
12 and local first responders, and shall include a timetable and costs
13 for providing training as defined in the curricula to all communities
14 housing pipelines. Separate curricula shall be developed for
15 hazardous liquid and gas pipelines so that the differences between
16 pipelines may be recognized and appropriate accident responses
17 provided. The need for a training program for regional incident
18 management teams shall also be evaluated.

19 (3) In consultation with other relevant agencies, the (~~chief of~~
20 ~~the Washington state patrol~~) fire service policy board, through the
21 director of fire protection or his or her deputy, shall identify the
22 need and means for achieving consistent application of the national
23 interagency incident management system.

24 (4) For the purposes of this section, "local first responders"
25 means police, fire, emergency medical staff, and volunteers.

26 **Sec. 39.** RCW 43.216.265 and 2018 c 58 s 42 are each amended to
27 read as follows:

28 The (~~chief of the Washington state patrol~~) fire service policy
29 board, through the director of fire protection, shall have the power
30 and it shall be his or her duty:

31 (1) In consultation with the secretary and with the advice and
32 assistance of persons representative of the various type agencies to
33 be licensed, to adopt recognized minimum standard requirements
34 pertaining to each category of agency established pursuant to this
35 chapter necessary to protect all persons residing therein from fire
36 hazards;

37 (2) To adopt licensing minimum standard requirements to allow
38 children who attend classes in a school building during school hours
39 to remain in the same building to participate in before-school or

1 after-school programs and to allow participation in such before-
2 school and after-school programs by children who attend other schools
3 and are transported to attend such before-school and after-school
4 programs;

5 (3) To make or cause to be made such inspections and
6 investigations of agencies as he or she deems necessary;

7 (4) To make a periodic review of requirements under RCW
8 43.216.250(8) and to adopt necessary changes after consultation as
9 required in subsection (1) of this section;

10 (5) To issue to applicants for licenses under this chapter who
11 comply with the requirements, a certificate of compliance, a copy of
12 which shall be presented to the department before a license shall be
13 issued, except that an initial license may be issued as provided in
14 RCW 43.216.315.

15 **Sec. 40.** RCW 43.216.290 and 2006 c 265 s 305 are each amended to
16 read as follows:

17 All agencies subject to this chapter shall accord the department,
18 the ((~~chief of the Washington state patrol~~)) fire service policy
19 board, and the director of fire protection, or their designees, the
20 right of entrance and the privilege of access to and inspection of
21 records for the purpose of determining whether or not there is
22 compliance with the provisions of this chapter and the requirements
23 adopted under it.

24 **Sec. 41.** RCW 46.37.467 and 2014 c 216 s 208 are each amended to
25 read as follows:

26 (1) Every automobile, truck, motorcycle, motor home, or off-road
27 vehicle that is fueled by an alternative fuel source must bear a
28 reflective placard issued by the national fire protection association
29 indicating that the vehicle is so fueled. Violation of this
30 subsection is a traffic infraction.

31 (2) As used in this section "alternative fuel source" includes
32 propane, compressed natural gas, liquefied natural gas, liquid
33 petroleum gas, or any chemically similar gas but does not include
34 gasoline or diesel fuel.

35 (3) If a placard for a specific alternative fuel source has not
36 been issued by the national fire protection association, a placard
37 issued by the ((~~chief of the Washington state patrol~~)) fire service
38 policy board, through the director of fire protection, is required.

1 The (~~chief of the Washington state patrol~~) fire service policy
2 board, through the director of fire protection, must develop rules
3 for the design, size, and placement of the placard which remains
4 effective until a specific placard is issued by the national fire
5 protection association.

6 **Sec. 42.** RCW 48.05.320 and 1995 c 369 s 24 are each amended to
7 read as follows:

8 (1) Each authorized insurer shall promptly report to the (~~chief~~
9 ~~of the Washington state patrol~~) fire service policy board, through
10 the director of fire protection, upon forms as prescribed and
11 furnished by him or her, each fire loss of property in this state
12 reported to it and whether the loss is due to criminal activity or to
13 undetermined causes.

14 (2) Each such insurer shall likewise report to the (~~chief of the~~
15 ~~Washington state patrol~~) fire service policy board, through the
16 director of fire protection, upon claims paid by it for loss or
17 damage by fire in this state. Copies of all reports required by this
18 section shall be promptly transmitted to the state insurance
19 commissioner.

20 **Sec. 43.** RCW 48.50.020 and 2000 c 254 s 1 are each amended to
21 read as follows:

22 As used in this chapter the following terms have the meanings
23 indicated unless the context clearly requires otherwise.

24 (1) "Authorized agency" means a public agency or its official
25 representative having legal authority to investigate criminal
26 activity or the cause of a fire or to initiate criminal proceedings,
27 including the following persons and agencies:

28 (a) The (~~chief of the Washington state patrol~~) fire service
29 policy board and the director of fire protection;

30 (b) The prosecuting attorney of the county where the criminal
31 activity occurred;

32 (c) State, county, and local law enforcement agencies;

33 (d) The state attorney general;

34 (e) The federal bureau of investigation, or any other federal law
35 enforcement agency;

36 (f) The United States attorney's office; and

37 (g) The office of the insurance commissioner.

1 (2) "Insurer" means any insurer, as defined in RCW 48.01.050 and
2 any self-insurer.

3 (3) "Relevant information" means information having any tendency
4 to make the existence of any fact that is of consequence to the
5 investigation or determination of criminal activity or the cause of
6 any fire more probable or less probable than it would be without the
7 information.

8 **Sec. 44.** RCW 48.50.040 and 2000 c 254 s 2 are each amended to
9 read as follows:

10 (1) When an insurer has reason to believe that a fire loss
11 reported to the insurer may be of other than accidental cause, the
12 insurer shall notify the (~~chief of the Washington state patrol~~)
13 fire service policy board, through the director of fire protection,
14 in the manner prescribed under RCW 48.05.320 concerning the
15 circumstances of the fire loss, including any and all relevant
16 material developed from the insurer's inquiry into the fire loss.

17 (2) Notification of the (~~chief of the Washington state patrol~~)
18 fire service policy board, through the director of fire protection,
19 under subsection (1) of this section does not relieve the insurer of
20 the duty to respond to a request for information from any other
21 authorized agency and does not bar an insurer from other reporting
22 under RCW 48.50.030(2).

23 **Sec. 45.** RCW 48.05.320 and 1995 c 369 s 24 are each amended to
24 read as follows:

25 (1) Each authorized insurer shall promptly report to the (~~chief
26 of the Washington state patrol~~) fire service policy board, through
27 the director of fire protection, upon forms as prescribed and
28 furnished by him or her, each fire loss of property in this state
29 reported to it and whether the loss is due to criminal activity or to
30 undetermined causes.

31 (2) Each such insurer shall likewise report to the (~~chief of the
32 Washington state patrol~~) fire service policy board, through the
33 director of fire protection, upon claims paid by it for loss or
34 damage by fire in this state. Copies of all reports required by this
35 section shall be promptly transmitted to the state insurance
36 commissioner.

1 **Sec. 46.** RCW 48.53.020 and 1995 c 369 s 38 are each amended to
2 read as follows:

3 (1) The (~~chief of the Washington state patrol~~) fire service
4 policy board, through the director of fire protection, may designate
5 certain classes of occupancy within a geographic area or may
6 designate geographic areas as having an abnormally high incidence of
7 arson. This designation shall not be a valid reason for cancellation,
8 refusal to issue or renew, modification, or increasing the premium
9 for any fire insurance policy.

10 (2) A fire insurance policy may not be issued to insure any
11 property within a class of occupancy within a geographic area or
12 within a geographic area designated by the (~~chief of the Washington~~
13 ~~state patrol~~) fire service policy board, through the director of
14 fire protection, as having an abnormally high incidence of arson
15 until the applicant has submitted an anti-arson application and the
16 insurer or the insurer's representative has inspected the property.
17 The application shall be prescribed by the (~~chief of the Washington~~
18 ~~state patrol~~) fire service policy board, through the director of
19 fire protection, and shall contain but not be limited to the
20 following:

21 (a) The name and address of the prospective insured and any
22 mortgagees or other parties having an ownership interest in the
23 property to be insured;

24 (b) The amount of insurance requested and the method of valuation
25 used to establish the amount of insurance;

26 (c) The dates and selling prices of the property, if any, during
27 the previous three years;

28 (d) Fire losses exceeding one thousand dollars during the
29 previous five years for property in which the prospective insured
30 held an equity interest or mortgage;

31 (e) Current corrective orders pertaining to fire, safety, health,
32 building, or construction codes that have not been complied with
33 within the time period or any extension of such time period
34 authorized by the authority issuing such corrective order applicable
35 to the property to be insured;

36 (f) Present or anticipated occupancy of the structure, and
37 whether a certificate of occupancy has been issued;

38 (g) Signature and title, if any, of the person submitting the
39 application.

1 (3) If the facts required to be reported by subsection (2) of
2 this section materially change, the insured shall notify the insurer
3 of any such change within fourteen days.

4 (4) An anti-arson application is not required for: (a) Fire
5 insurance policies covering one to four-unit owner-occupied
6 residential dwellings; (b) policies existing as of June 10, 1982; or
7 (c) the renewal of these policies.

8 (5) An anti-arson application shall contain a notice stating:
9 "Designation of a class of occupancy within a geographic area or
10 geographic areas as having an abnormally high incidence of arson
11 shall not be a valid reason for cancellation, refusal to issue or
12 renew, modification, or increasing the premium for any fire insurance
13 policy."

14 **Sec. 47.** RCW 48.53.060 and 1995 c 369 s 39 are each amended to
15 read as follows:

16 Rules designating geographic areas or classes of occupancy as
17 having an abnormally high incidence of arson, and any other rules
18 necessary to implement this chapter shall be adopted by the (~~chief~~
19 ~~of the Washington state patrol~~) fire service policy board, through
20 the director of fire protection, under chapter 34.05 RCW.

21 **Sec. 48.** RCW 52.30.020 and 2006 c 25 s 12 are each amended to
22 read as follows:

23 (1) Wherever a fire protection district has been organized which
24 includes within its area or is adjacent to, buildings and equipment,
25 except those leased to a nontax exempt person or organization, owned
26 by the legislative or administrative authority of a state agency or
27 institution or a municipal corporation, the agency or institution or
28 municipal corporation involved shall contract with such district for
29 fire protection services necessary for the protection and safety of
30 personnel and property pursuant to the provisions of chapter 39.34
31 RCW(~~(: PROVIDED, That nothing))~~).

32 (2) Nothing in this section (~~(shall be construed to))~~ requires
33 that any state agency, institution, or municipal corporation contract
34 for services which are performed by the staff and equipment of such
35 state agency, institution, or municipal corporation(~~(: PROVIDED~~
36 ~~FURTHER, That nothing))~~).

37 (3) Nothing in this section (~~(shall apply))~~ applies to state
38 agencies or institutions or municipal corporations which are

1 receiving fire protection services by contract from another
2 municipality, city, town, or other entities (~~(: AND PROVIDED FURTHER,~~
3 ~~That school)~~).

4 (4) (a) School districts shall receive fire protection services
5 from the fire protection districts in which they are located without
6 the necessity of executing a contract for such fire protection
7 services (~~(: PROVIDED FURTHER, That prior to September 1, 1974, the)~~).

8 (b) The superintendent of public instruction, the (~~chief of the~~
9 ~~Washington state patrol)~~) fire service policy board through the
10 director of fire protection, the director of financial management,
11 and the executive director of the Washington fire commissioners
12 association, or their designees, shall develop criteria to be used by
13 the (~~chief of the Washington state patrol)~~) fire service policy
14 board through the director of fire protection in establishing uniform
15 rates governing payments to fire districts by school districts for
16 fire protection services. (~~On or before September 1, 1974, the chief~~
17 ~~of the Washington state patrol)~~)

18 (c) The fire service policy board through the director of fire
19 protection shall establish such rates to be payable by school
20 districts on or before January 1st of each year commencing January 1,
21 1975, payable July 1, 1975 (~~(: AND PROVIDED FURTHER, That beginning)~~).

22 (d) Beginning with the 1975-77 biennium and in each biennium
23 thereafter the superintendent of public instruction shall present in
24 the budget submittal to the governor an amount sufficient to
25 reimburse affected school districts for the moneys necessary to pay
26 the costs of the uniform rates established by the (~~chief of the~~
27 ~~Washington state patrol)~~) fire service policy board through the
28 director of fire protection.

29 **Sec. 49.** RCW 70.41.080 and 2008 c 155 s 1 are each amended to
30 read as follows:

31 Standards for fire protection and the enforcement thereof, with
32 respect to all hospitals to be licensed hereunder shall be the
33 responsibility of the (~~chief of the Washington state patrol)~~) fire
34 service policy board, through the director of fire protection, who
35 shall adopt (~~(, after approval by the department,)~~) the recognized
36 standards applicable to hospitals for the protection of life against
37 the cause and spread of fire and fire hazards adopted by the federal
38 centers for medicare and medicaid services for hospitals that care
39 for medicare or medicaid beneficiaries. The standards used for an

1 inspection of an existing hospital, or existing portion thereof,
2 shall be standards for existing buildings and not standards for new
3 construction. The department upon receipt of an application for a
4 license, shall submit to the director of fire protection in writing,
5 a request for an inspection, giving the applicant's name and the
6 location of the premises to be licensed. Upon receipt of such a
7 request, the (~~chief of the Washington state patrol~~) fire service
8 policy board, through the director of fire protection, or his or her
9 deputy, shall make an inspection of the hospital to be licensed
10 during the department's inspection. If it is found that the premises
11 do not comply with the required safety standards and fire regulations
12 as adopted pursuant to this chapter, the director of fire protection,
13 or his or her deputy, shall promptly make a written report to the
14 department listing the corrective actions required. The department
15 shall incorporate the written report into the department's final
16 inspection report. The applicant or licensee shall submit corrections
17 to comply with the fire protection standards along with any other
18 licensing inspection corrections to the department. The department
19 shall submit the section of the statement of corrections from the
20 applicant or licensee regarding fire protection standards to the
21 director of fire protection. If extensive and serious corrections are
22 required, the director of fire protection, or his or her deputy, may
23 reinspect the premises. The director of fire protection, or his or
24 her deputy, shall utilize the scope and severity matrix developed by
25 the centers for medicare and medicaid services when determining what
26 corrections will require a reinspection. Whenever the hospital to be
27 licensed meets with the approval of the (~~chief of the Washington~~
28 ~~state patrol~~) fire service policy board, through the director of
29 fire protection, he or she shall submit to the department, in a
30 timely manner so the license will not be delayed, a written report
31 approving the hospital with respect to fire protection, and such
32 report is required before a full license can be issued. The (~~chief~~
33 ~~of the Washington state patrol~~) fire service policy board, through
34 the director of fire protection, shall make or cause to be made
35 inspections of such hospitals on average at least once every eighteen
36 months. Inspections conducted by the joint commission on hospitals
37 accredited by it shall be deemed equivalent to an inspection by the
38 (~~chief of the Washington state patrol~~) fire service policy board,
39 through the director of fire protection, for purposes of meeting the
40 requirements for the inspections specified in this section.

1 The director of fire protection shall designate one lead deputy
2 state fire marshal on a regional basis to provide consistency with
3 each of the department's survey teams for the purpose of conducting
4 the fire protection inspection during the department's licensing
5 inspection. The director of fire protection shall ensure deputy state
6 fire marshals are provided orientation with the department on the
7 unique environment of hospitals before they conduct fire protection
8 inspections in hospitals. The orientation shall include, but not be
9 limited to: Clinical environment of hospitals; operating room
10 environment; fire protection practices in hospitals; full
11 participation in a complete licensing inspection of at least one
12 urban hospital; and full participation in a complete licensing
13 inspection of at least one rural hospital.

14 In cities which have in force a comprehensive building code, the
15 provisions of which are determined by the (~~chief of the Washington~~
16 ~~state patrol~~) fire service policy board, through the director of
17 fire protection, to be equal to the minimum standards of the code for
18 hospitals adopted by the (~~chief of the Washington state patrol~~)
19 fire service policy board, through the director of fire protection,
20 the chief of the fire department, provided the latter is a paid chief
21 of a paid fire department, shall make the inspection with the (~~chief~~
22 ~~of the Washington state patrol~~) fire service policy board, through
23 the director of fire protection, or his or her deputy and they shall
24 jointly approve the premises before a full license can be issued.

25 **Sec. 50.** RCW 70.74.191 and 2013 c 140 s 1 are each amended to
26 read as follows:

27 The laws contained in this chapter and regulations prescribed by
28 the department of labor and industries pursuant to this chapter shall
29 not apply to:

30 (1) Explosives or blasting agents in the course of transportation
31 by way of railroad, water, highway, or air under the jurisdiction of,
32 and in conformity with, regulations adopted by the federal department
33 of transportation, the Washington state utilities and transportation
34 commission, (~~and~~) the Washington state patrol, and the fire service
35 policy board;

36 (2) The laboratories of schools, colleges, and similar
37 institutions if confined to the purpose of instruction or research
38 and if not exceeding the quantity of one pound;

1 (3) Explosives in the forms prescribed by the official United
2 States Pharmacopoeia;

3 (4) The transportation, storage, and use of explosives or
4 blasting agents in the normal and emergency operations of United
5 States agencies and departments including the regular United States
6 military departments on military reservations; arsenals, navy yards,
7 depots, or other establishments owned by, operated by, or on behalf
8 of, the United States; or the duly authorized militia of any state;
9 or to emergency operations of any state department or agency, any
10 police, or any municipality or county;

11 (5) A hazardous devices technician when carrying out normal and
12 emergency operations, handling evidence, and operating and
13 maintaining a specially designed emergency response vehicle that
14 carries no more than ten pounds of explosive material or when
15 conducting training and whose employer possesses the minimum safety
16 equipment prescribed by the federal bureau of investigation for
17 hazardous devices work. For purposes of this section, a hazardous
18 devices technician is a person who is a graduate of the federal
19 bureau of investigation hazardous devices school and who is employed
20 by a state, county, or municipality;

21 (6) The importation, sale, possession, and use of fireworks as
22 defined in chapter 70.77 RCW, signaling devices, flares, fuses, and
23 torpedoes;

24 (7) The transportation, storage, and use of explosives or
25 blasting agents in the normal and emergency avalanche control
26 procedures as conducted by trained and licensed ski area operator
27 personnel. However, the storage, transportation, and use of
28 explosives and blasting agents for such use shall meet the
29 requirements of regulations adopted by the director of labor and
30 industries;

31 (8) The storage of consumer fireworks as defined in chapter 70.77
32 RCW pursuant to a forfeiture or seizure under chapter 70.77 RCW by
33 the (~~chief of the Washington state patrol~~) fire service policy
34 board, through the director of fire protection, or his or her deputy,
35 or by state agencies or local governments having general law
36 enforcement authority;

37 (9) The transportation and storage of explosive actuated tactical
38 devices, including noise and flash diversionary devices, by local law
39 enforcement tactical response teams and officers in law enforcement
40 department-issued vehicles designated for use by tactical response

1 teams and officers, provided the explosive devices are stored and
2 secured in compliance with regulations and rulings adopted by the
3 federal bureau of alcohol, tobacco, firearms and explosives; and

4 (10) Any violation under this chapter if any existing ordinance
5 of any city, municipality, or county is more stringent than this
6 chapter.

7 **Sec. 51.** RCW 70.75.020 and 1995 c 369 s 41 are each amended to
8 read as follows:

9 The standardization of existing fire protection equipment in this
10 state shall be arranged for and carried out by or under the direction
11 of the (~~chief of the Washington state patrol~~) fire service policy
12 board, through the director of fire protection. He or she shall
13 provide the appliances necessary for carrying on this work, shall
14 proceed with such standardization as rapidly as possible, and shall
15 require the completion of such work within a period of five years
16 from June 8, 1967: PROVIDED, That the (~~chief of the Washington state~~
17 ~~patrol~~) fire service policy board, through the director of fire
18 protection, may exempt special purpose fire equipment and existing
19 fire protection equipment from standardization when it is established
20 that such equipment is not essential to the coordination of public
21 fire protection operations.

22 **Sec. 52.** RCW 70.75.030 and 1995 c 369 s 42 are each amended to
23 read as follows:

24 The (~~chief of the Washington state patrol~~) fire service policy
25 board, through the director of fire protection, shall notify
26 industrial establishments and property owners having equipment, which
27 may be necessary for fire department use in protecting the property
28 or putting out fire, of any changes necessary to bring their
29 equipment up to the requirements of the standard established by RCW
30 70.75.020, and shall render such assistance as may be available for
31 converting substandard equipment to meet standard specifications and
32 requirements.

33 **Sec. 53.** RCW 70.75.040 and 1995 c 369 s 43 are each amended to
34 read as follows:

35 Any person who, without approval of the (~~chief of the Washington~~
36 ~~state patrol~~) fire service policy board, through the director of
37 fire protection, sells or offers for sale in Washington any fire

1 hose, fire engine or other equipment for fire protection purposes
2 which is fitted or equipped with other than the standard thread is
3 guilty of a misdemeanor: PROVIDED, That fire equipment for special
4 purposes, research, programs, forest firefighting, or special
5 features of fire protection equipment found appropriate for
6 uniformity within a particular protection area may be specifically
7 exempted from this requirement by order of the (~~chief of the~~
8 ~~Washington state patrol~~) fire service policy board, through the
9 director of fire protection.

10 **Sec. 54.** RCW 70.77.170 and 2002 c 370 s 10 are each amended to
11 read as follows:

12 "License" means a nontransferable formal authorization which the
13 (~~chief of the Washington state patrol~~) fire service policy board,
14 through the director of fire protection, is authorized to issue under
15 this chapter to allow a person to engage in the act specifically
16 designated therein.

17 **Sec. 55.** RCW 70.77.236 and 2002 c 370 s 18 are each amended to
18 read as follows:

19 (1) "New fireworks item" means any fireworks initially classified
20 or reclassified as articles pyrotechnic, display fireworks, or
21 consumer fireworks by the United States department of transportation
22 after June 13, 2002, and which comply with the construction, chemical
23 composition, and labeling regulations of the United States consumer
24 products safety commission, 16 C.F.R., Parts 1500 and 1507.

25 (2) The (~~chief of the Washington state patrol~~) fire service
26 policy board, through the director of fire protection, shall classify
27 any new fireworks item in the same manner as the item is classified
28 by the United States department of transportation and the United
29 States consumer product safety commission. The (~~chief of the~~
30 ~~Washington state patrol~~) fire service policy board, through the
31 director of fire protection, may determine, stating reasonable
32 grounds, that the item should not be so classified.

33 **Sec. 56.** RCW 70.77.250 and 2002 c 370 s 19 are each amended to
34 read as follows:

35 (1) The (~~chief of the Washington state patrol~~) fire service
36 policy board, through the director of fire protection, shall enforce
37 and administer this chapter.

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

5 ~~(3))~~ The ~~((chief of the Washington state patrol))~~ fire service
6 policy board, through the director of fire protection, shall adopt
7 those rules relating to fireworks as are necessary for the
8 implementation of this chapter.

9 ~~((4))~~ (3) The ~~((chief of the Washington state patrol))~~ fire
10 service policy board, through the director of fire protection, shall
11 adopt those rules as are necessary to ensure statewide minimum
12 standards for the enforcement of this chapter. Counties and cities
13 shall comply with these state rules. Any ordinances adopted by a
14 county or city that are more restrictive than state law shall have an
15 effective date no sooner than one year after their adoption.

16 ~~((5))~~ (4) The ~~((chief of the Washington state patrol))~~ fire
17 service policy board, through the director of fire protection, may
18 exercise the necessary police powers to enforce the criminal
19 provisions of this chapter. This grant of police powers does not
20 prevent any other state agency and city, county, or local government
21 agency having general law enforcement powers from enforcing this
22 chapter within the jurisdiction of the agency and city, county, or
23 local government.

24 ~~((6))~~ (5) The ~~((chief of the Washington state patrol))~~ fire
25 service policy board, through the director of fire protection, shall
26 adopt rules necessary to enforce the civil penalty provisions for the
27 violations of this chapter. A civil penalty under this subsection may
28 not exceed one thousand dollars per day for each violation and is
29 subject to the procedural requirements under RCW 70.77.252.

30 ~~((7))~~ (6) The ~~((chief of the Washington state patrol))~~ fire
31 service policy board, through the director of fire protection, may
32 investigate or cause to be investigated all fires resulting, or
33 suspected of resulting, from the use of fireworks.

34 **Sec. 57.** RCW 70.77.252 and 2002 c 370 s 20 are each amended to
35 read as follows:

36 (1) The penalty provided for in RCW 70.77.250(6) shall be imposed
37 by a notice in writing to the person against whom the civil fine is
38 assessed and shall describe the violation with reasonable
39 particularity. The notice shall be personally served in the manner of

1 service of a summons in a civil action or in a manner which shows
2 proof of receipt. Any penalty imposed by RCW 70.77.250(6) shall
3 become due and payable twenty-eight days after receipt of notice
4 unless application for remission or mitigation is made as provided in
5 subsection (2) of this section or unless application for an
6 adjudicative proceeding is filed as provided in subsection (3) of
7 this section.

8 (2) Within fourteen days after the notice is received, the person
9 incurring the penalty may apply in writing to the (~~chief of the~~
10 ~~Washington state patrol~~) fire service policy board, through the
11 director of fire protection, for the remission or mitigation of the
12 penalty. Upon receipt of the application, the (~~chief of the~~
13 ~~Washington state patrol~~) fire service policy board, through the
14 director of fire protection, may remit or mitigate the penalty upon
15 whatever terms the (~~chief of the Washington state patrol~~) fire
16 service policy board, through the director of fire protection, deems
17 proper, giving consideration to the degree of hazard associated with
18 the violation. The (~~chief of the Washington state patrol~~) fire
19 service policy board, through the director of fire protection, may
20 only grant a remission or mitigation that it deems to be in the best
21 interests of carrying out the purposes of this chapter. The (~~chief~~
22 ~~of the Washington state patrol~~) fire service policy board, through
23 the director of fire protection, may ascertain the facts regarding
24 all such applications in a manner it deems proper. When an
25 application for remission or mitigation is made, any penalty incurred
26 under RCW 70.77.250(6) becomes due and payable twenty-eight days
27 after receipt of the notice setting forth the disposition of the
28 application, unless an application for an adjudicative proceeding to
29 contest the disposition is filed as provided in subsection (3) of
30 this section.

31 (3) Within twenty-eight days after notice is received, the person
32 incurring the penalty may file an application for an adjudicative
33 proceeding and may pursue subsequent review as provided in chapter
34 34.05 RCW and applicable rules of the (~~chief of the Washington state~~
35 ~~patrol~~) fire service policy board, through the director of fire
36 protection.

37 (4) Any penalty imposed by final order following an adjudicative
38 proceeding becomes due and payable upon service of the final order.

39 (5) The attorney general may bring an action in the name of the
40 (~~chief of the Washington state patrol~~) fire service policy board,

1 through the director of fire protection, in the superior court of
2 Thurston county or of any county in which the violator may do
3 business to collect any penalty imposed under this chapter.

4 (6) All penalties imposed under this section shall be paid to the
5 state treasury and credited to the fire services trust fund and used
6 as follows: At least fifty percent is for a statewide public
7 education campaign developed by the (~~chief of the Washington state~~
8 ~~patrol~~) fire service policy board, through the director of fire
9 protection, and the licensed fireworks industry emphasizing the safe
10 and responsible use of legal fireworks; and the remainder is for
11 statewide efforts to enforce this chapter.

12 **Sec. 58.** RCW 70.77.270 and 2002 c 370 s 22 are each amended to
13 read as follows:

14 (1) The governing body of a city or county, or a designee, shall
15 grant an application for a permit under RCW 70.77.260(1) if the
16 application meets the standards under this chapter, and the
17 applicable ordinances of the city or county. The permit shall be
18 granted by June 10, or no less than thirty days after receipt of an
19 application whichever date occurs first, for sales commencing on June
20 28 and on December 27; or by December 10, or no less than thirty days
21 after receipt of an application whichever date occurs first, for
22 sales commencing only on December 27.

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

34 (3) No retail fireworks permit may be issued to any applicant
35 unless the retail fireworks stand is covered by a liability insurance
36 policy with coverage of not less than fifty thousand dollars and five
37 hundred thousand dollars for bodily injury liability for each person
38 and occurrence, respectively, and not less than fifty thousand
39 dollars for property damage liability for each occurrence, unless

1 such insurance is not readily available from at least three approved
2 insurance companies. If insurance in this amount is not offered, each
3 fireworks permit shall be covered by a liability insurance policy in
4 the maximum amount offered by at least three different approved
5 insurance companies.

6 No wholesaler may knowingly sell or supply fireworks to any
7 retail fireworks licensee unless the wholesaler determines that the
8 retail fireworks licensee is covered by liability insurance in the
9 same, or greater, amount as provided in this subsection.

10 **Sec. 59.** RCW 70.77.305 and 2002 c 370 s 23 are each amended to
11 read as follows:

12 The (~~chief of the Washington state patrol~~) fire service policy
13 board, through the director of fire protection, has the power to
14 issue licenses for the manufacture, importation, sale, and use of all
15 fireworks in this state, except as provided in RCW 70.77.311 and
16 70.77.395. A person may be licensed as a manufacturer, importer, or
17 wholesaler under this chapter only if the person has a designated
18 agent in this state who is registered with the (~~chief of the~~
19 ~~Washington state patrol~~) fire service policy board, through the
20 director of fire protection.

21 **Sec. 60.** RCW 70.77.315 and 2002 c 370 s 25 are each amended to
22 read as follows:

23 Any person who desires to engage in the manufacture, importation,
24 sale, or use of fireworks, except use as provided in RCW
25 70.77.255(4), 70.77.311, and 70.77.395, shall make a written
26 application to the (~~chief of the Washington state patrol~~) fire
27 service policy board, through the director of fire protection, on
28 forms provided by him or her. Such application shall be accompanied
29 by the annual license fee as prescribed in this chapter.

30 **Sec. 61.** RCW 70.77.325 and 1997 c 182 s 11 are each amended to
31 read as follows:

32 (1) An application for a license shall be made annually by every
33 person holding an existing license who wishes to continue the
34 activity requiring the license during an additional year. The
35 application shall be accompanied by the annual license fees as
36 prescribed in RCW 70.77.343 and 70.77.340.

1 (2) A person applying for an annual license as a retailer under
2 this chapter shall file an application no later than May 1 for annual
3 sales commencing on June 28 and on December 27, or no later than
4 November 1 for sales commencing only on December 27. The (~~chief of~~
5 ~~the Washington state patrol~~) fire service policy board, through the
6 director of fire protection, shall grant or deny the license within
7 fifteen days of receipt of the application.

8 (3) A person applying for an annual license as a manufacturer,
9 importer, or wholesaler under this chapter shall file an application
10 by January 31 of the current year. The (~~chief of the Washington~~
11 ~~state patrol~~) fire service policy board, through the director of
12 fire protection, shall grant or deny the license within ninety days
13 of receipt of the application.

14 **Sec. 62.** RCW 70.77.330 and 2002 c 370 s 26 are each amended to
15 read as follows:

16 If the (~~chief of the Washington state patrol~~) fire service
17 policy board, through the director of fire protection, finds that the
18 granting of such license is not contrary to public safety or welfare,
19 he or she shall issue a license authorizing the applicant to engage
20 in the particular act or acts upon the payment of the license fee
21 specified in this chapter. Licensees may transport the class of
22 fireworks for which they hold a valid license.

23 **Sec. 63.** RCW 70.77.343 and 2002 c 370 s 29 are each amended to
24 read as follows:

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

27	Manufacturer	\$ 1,500.00
28	Importer	900.00
29	Wholesaler	1,000.00
30	Retailer (for each separate outlet)	30.00
31	Public display for display fireworks	40.00
32	Pyrotechnic operator for display	
33	fireworks	5.00

34 (2) All receipts from the license fees in this section shall be
35 placed in the fire services trust fund and at least seventy-five

1 percent of these receipts shall be used to fund a statewide public
2 education campaign developed by the (~~chief of the Washington state~~
3 ~~patrol~~) fire service policy board and the licensed fireworks
4 industry emphasizing the safe and responsible use of legal fireworks
5 and the remaining receipts shall be used to fund statewide
6 enforcement efforts against the sale and use of fireworks that are
7 illegal under this chapter.

8 **Sec. 64.** RCW 70.77.355 and 1997 c 182 s 14 are each amended to
9 read as follows:

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

33 (2) The (~~chief of the Washington state patrol~~) fire service
34 policy board, through the director of fire protection, may issue such
35 general licenses. The holder of a general license shall file a
36 certificate from the (~~chief of the Washington state patrol~~) fire
37 service policy board, through the director of fire protection,
38 evidencing the license with any application for a local permit for
39 the public display of fireworks under RCW 70.77.260.

1 **Sec. 65.** RCW 70.77.360 and 1995 c 369 s 49 are each amended to
2 read as follows:

3 If the (~~chief of the Washington state patrol~~) fire service
4 policy board, through the director of fire protection, finds that an
5 application for any license under this chapter contains a material
6 misrepresentation or that the granting of any license would be
7 contrary to the public safety or welfare, the (~~chief of the~~
8 ~~Washington state patrol~~) fire service policy board, through the
9 director of fire protection, may deny the application for the
10 license.

11 **Sec. 66.** RCW 70.77.365 and 1995 c 369 s 50 are each amended to
12 read as follows:

13 A written report by the (~~chief of the Washington state patrol~~)
14 fire service policy board, through the director of fire protection,
15 or a local fire official, or any of their authorized representatives,
16 disclosing that the applicant for a license, or the premises for
17 which a license is to apply, do not meet the qualifications or
18 conditions for a license constitutes grounds for the denial by the
19 (~~chief of the Washington state patrol~~) fire service policy board,
20 through the director of fire protection, of any application for a
21 license.

22 **Sec. 67.** RCW 70.77.375 and 1997 c 182 s 16, 1995 c 369 s 51, and
23 1995 c 61 s 21 are each reenacted and amended to read as follows:

24 The (~~chief of the Washington state patrol~~) fire service policy
25 board, through the director of fire protection, upon reasonable
26 opportunity to be heard, may revoke any license issued pursuant to
27 this chapter, if he or she finds that:

28 (1) The licensee has violated any provisions of this chapter or
29 any rule made by the (~~chief of the Washington state patrol~~) fire
30 service policy board, through the director of fire protection, under
31 and with the authority of this chapter;

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

33 (3) Any licensee has failed or refused to file any required
34 reports; or

35 (4) Any fact or condition exists which, if it had existed at the
36 time of the original application for such license, reasonably would
37 have warranted the (~~chief of the Washington state patrol~~) fire

1 service policy board, through the director of fire protection, in
2 refusing originally to issue such license.

3 **Sec. 68.** RCW 70.77.415 and 1995 c 369 s 52 are each amended to
4 read as follows:

5 Every public display of fireworks shall be handled or supervised
6 by a pyrotechnic operator licensed by the (~~chief of the Washington~~
7 ~~state patrol~~) fire service policy board, through the director of
8 fire protection, under RCW 70.77.255.

9 **Sec. 69.** RCW 70.77.430 and 1995 c 369 s 53 are each amended to
10 read as follows:

11 Notwithstanding RCW 70.77.255, following the revocation or
12 expiration of a license, a licensee in lawful possession of a
13 lawfully acquired stock of fireworks may sell such fireworks, but
14 only under supervision of the (~~chief of the Washington state~~
15 ~~patrol~~) fire service policy board, through the director of fire
16 protection. Any sale under this section shall be solely to persons
17 who are authorized to buy, possess, sell, or use such fireworks.

18 **Sec. 70.** RCW 70.77.435 and 2002 c 370 s 37 are each amended to
19 read as follows:

20 Any fireworks which are illegally sold, offered for sale, used,
21 discharged, possessed, or transported in violation of the provisions
22 of this chapter or the rules or regulations of the (~~chief of the~~
23 ~~Washington state patrol~~) fire service policy board, through the
24 director of fire protection, are subject to seizure by the (~~chief of~~
25 ~~the Washington state patrol~~) fire service policy board, through the
26 director of fire protection, or his or her deputy, or by state
27 agencies or local governments having general law enforcement
28 authority.

29 **Sec. 71.** RCW 70.77.440 and 2002 c 370 s 38 are each amended to
30 read as follows:

31 (1) In the event of seizure under RCW 70.77.435, proceedings for
32 forfeiture shall be deemed commenced by the seizure. The (~~chief of~~
33 ~~the Washington state patrol~~) fire service policy board or a
34 designee, through the director of fire protection or the agency
35 conducting the seizure, under whose authority the seizure was made
36 shall cause notice to be served within fifteen days following the

1 seizure on the owner of the fireworks seized and the person in charge
2 thereof and any person having any known right or interest therein, of
3 the seizure and intended forfeiture of the seized property. The
4 notice may be served by any method authorized by law or court rule
5 including but not limited to service by certified mail with return
6 receipt requested. Service by mail shall be deemed complete upon
7 mailing within the fifteen-day period following the seizure.

8 (2) If no person notifies the (~~chief of the Washington state~~
9 ~~patrol~~) fire service policy board, through the director of fire
10 protection or the agency conducting the seizure, in writing of the
11 person's claim of lawful ownership or right to lawful possession of
12 seized fireworks within thirty days of the seizure, the seized
13 fireworks shall be deemed forfeited.

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

36 (4) When fireworks are forfeited under this chapter the (~~chief~~
37 ~~of the Washington state patrol~~) fire service policy board, through
38 the director of fire protection or the agency conducting the seizure,
39 may:

1 (a) Dispose of the fireworks by summary destruction at any time
2 subsequent to thirty days from such seizure or ten days from the
3 final termination of proceedings under this section, whichever is
4 later; or

5 (b) Sell the forfeited fireworks and chemicals used to make
6 fireworks, that are legal for use and possession under this chapter,
7 to wholesalers or manufacturers, authorized to possess and use such
8 fireworks or chemicals under a license issued by the (~~chief of the~~
9 ~~Washington state patrol~~) fire service policy board, through the
10 director of fire protection. Sale shall be by public auction after
11 publishing a notice of the date, place, and time of the auction in a
12 newspaper of general circulation in the county in which the auction
13 is to be held, at least three days before the date of the auction.
14 The proceeds of the sale of the seized fireworks under this section
15 may be retained by the agency conducting the seizure and used to
16 offset the costs of seizure and/or storage costs of the seized
17 fireworks. The remaining proceeds, if any, shall be deposited in the
18 fire services trust fund and shall be used as follows: At least fifty
19 percent is for a statewide public education campaign developed by the
20 (~~chief of the Washington state patrol~~) fire service policy board,
21 through the director of fire protection, and the licensed fireworks
22 industry emphasizing the safe and responsible use of legal fireworks;
23 and the remainder is for statewide efforts to enforce this chapter.

24 **Sec. 72.** RCW 70.77.450 and 2012 c 117 s 395 are each amended to
25 read as follows:

26 The (~~chief of the Washington state patrol~~) fire service policy
27 board, through the director of fire protection, may make an
28 examination of the books and records of any licensee, or other person
29 relative to fireworks, and may visit and inspect the premises of any
30 licensee he or she may deem at any time necessary for the purpose of
31 enforcing the provisions of this chapter. The licensee, owner,
32 lessee, manager, or operator of any such building or premises shall
33 permit the (~~chief of the Washington state patrol~~) fire service
34 policy board, through the director of fire protection, his or her
35 deputies or salaried assistants, the local fire official, and their
36 authorized representatives to enter and inspect the premises at the
37 time and for the purpose stated in this section.

1 **Sec. 73.** RCW 70.77.455 and 2005 c 274 s 337 are each amended to
2 read as follows:

3 (1) All licensees shall maintain and make available to the
4 (~~chief of the Washington state patrol~~) fire service policy board,
5 through the director of fire protection, full and complete records
6 showing all production, imports, exports, purchases, and sales of
7 fireworks items by class.

8 (2) All records obtained and all reports produced, as required by
9 this chapter, are not subject to disclosure through the public
10 records act under chapter 42.56 RCW.

11 **Sec. 74.** RCW 70.77.460 and 1995 c 369 s 55 are each amended to
12 read as follows:

13 When reports on fireworks transactions or the payments of license
14 fees or penalties are required to be made on or by specified dates,
15 they shall be deemed to have been made at the time they are filed
16 with or paid to the (~~chief of the Washington state patrol~~) fire
17 service policy board, through the director of fire protection, or, if
18 sent by mail, on the date shown by the United States postmark on the
19 envelope containing the report or payment.

20 **Sec. 75.** RCW 70.77.548 and 2002 c 370 s 48 are each amended to
21 read as follows:

22 Civil proceedings to enforce this chapter may be brought in the
23 superior court of Thurston county or the county in which the
24 violation occurred by the attorney general or the attorney of the
25 city or county in which the violation occurred on his or her own
26 motion or at the request of the (~~chief of the Washington state~~
27 ~~patrol~~) fire service policy board, through the director of fire
28 protection.

29 **Sec. 76.** RCW 70.77.575 and 2002 c 370 s 46 are each amended to
30 read as follows:

31 (1) The (~~chief of the Washington state patrol~~) fire service
32 policy board, through the director of fire protection, shall adopt by
33 rule a list of the consumer fireworks that may be sold to the public
34 in this state pursuant to this chapter. The (~~chief of the Washington~~
35 ~~state patrol~~) fire service policy board, through the director of
36 fire protection, shall file the list by October 1st of each year with

1 the code reviser for publication, unless the previously published
2 list has remained current.

3 (2) The (~~chief of the Washington state patrol~~) fire service
4 policy board, through the director of fire protection, shall provide
5 the list adopted under subsection (1) of this section by November 1st
6 of each year to all manufacturers, wholesalers, and importers
7 licensed under this chapter, unless the previously distributed list
8 has remained current.

9 **Sec. 77.** RCW 70.77.580 and 2002 c 370 s 47 are each amended to
10 read as follows:

11 Retailers required to be licensed under this chapter shall post
12 prominently at each retail location a list of the consumer fireworks
13 that may be sold to the public in this state pursuant to this
14 chapter. The posted list shall be in a form approved by the (~~chief~~
15 ~~of the Washington state patrol~~) fire service policy board, through
16 the director of fire protection. The (~~chief of the Washington state~~
17 ~~patrol~~) fire service policy board, through the director of fire
18 protection, shall make the list available.

19 **Sec. 78.** RCW 70.97.210 and 2005 c 504 s 423 are each amended to
20 read as follows:

21 (1) Standards for fire protection and the enforcement thereof,
22 with respect to all facilities licensed under this chapter, are the
23 responsibility of the (~~chief of the Washington state patrol~~) fire
24 service policy board, through the director of fire protection, who
25 must adopt recognized standards as applicable to facilities for the
26 protection of life against the cause and spread of fire and fire
27 hazards. If the facility to be licensed meets with the approval of
28 the (~~chief of the Washington state patrol~~) fire service policy
29 board, through the director of fire protection, the director of fire
30 protection must submit to the department a written report approving
31 the facility with respect to fire protection before a full license
32 can be issued. The (~~chief of the Washington state patrol~~) fire
33 service policy board, through the director of fire protection, shall
34 conduct an unannounced full inspection of facilities at least once
35 every eighteen months. The statewide average interval between full
36 facility inspections must be fifteen months.

37 (2) Inspections of facilities by local authorities must be
38 consistent with the requirements adopted by the (~~chief of the~~

1 ~~Washington state patrol~~) fire service policy board, through the
2 director of fire protection. Findings of a serious nature must be
3 coordinated with the department and the (~~chief of the Washington~~
4 ~~state patrol~~) fire service policy board, through the director of
5 fire protection, for determination of appropriate actions to ensure a
6 safe environment for residents. The (~~chief of the Washington state~~
7 ~~patrol~~) fire service policy board, through the director of fire
8 protection, has exclusive authority to determine appropriate
9 corrective action under this section.

10 **Sec. 79.** RCW 70.108.040 and 1995 c 369 s 59 are each amended to
11 read as follows:

12 Application for an outdoor music festival permit shall be in
13 writing and filed with the clerk of the issuing authority wherein the
14 festival is to be held. Said application shall be filed not less than
15 ninety days prior to the first scheduled day of the festival and
16 shall be accompanied with a permit fee in the amount of two thousand
17 five hundred dollars. Said application shall include:

18 (1) The name of the person or other legal entity on behalf of
19 whom said application is made: PROVIDED, That a natural person
20 applying for such permit shall be eighteen years of age or older;

21 (2) A financial statement of the applicant;

22 (3) The nature of the business organization of the applicant;

23 (4) Names and addresses of all individuals or other entities
24 having a ten percent or more proprietary interest in the festival;

25 (5) The principal place of business of applicant;

26 (6) A legal description of the land to be occupied, the name and
27 address of the owner thereof, together with a document showing the
28 consent of said owner to the issuance of a permit, if the land be
29 owned by a person other than the applicant;

30 (7) The scheduled performances and program;

31 (8) Written confirmation from the local health officer that he or
32 she has reviewed and approved plans for site and development in
33 accordance with rules, regulations and standards adopted by the state
34 board of health. Such rules and regulations shall include criteria as
35 to the following and such other matters as the state board of health
36 deems necessary to protect the public's health:

37 (a) Submission of plans

38 (b) Site

39 (c) Water supply

- 1 (d) Sewage disposal
- 2 (e) Food preparation facilities
- 3 (f) Toilet facilities
- 4 (g) Solid waste
- 5 (h) Insect and rodent control
- 6 (i) Shelter
- 7 (j) Dust control
- 8 (k) Lighting
- 9 (l) Emergency medical facilities
- 10 (m) Emergency air evacuation
- 11 (n) Attendant physicians
- 12 (o) Communication systems
- 13 (9) A written confirmation from the appropriate law enforcement
- 14 agency from the area where the outdoor music festival is to take
- 15 place, showing that traffic control and crowd protection policing
- 16 have been contracted for or otherwise provided by the applicant
- 17 meeting the following conditions:
- 18 (a) One person for each two hundred persons reasonably expected
- 19 to be in attendance at any time during the event for purposes of
- 20 traffic and crowd control.
- 21 (b) The names and addresses of all traffic and crowd control
- 22 personnel shall be provided to the appropriate law enforcement
- 23 authority: PROVIDED, That not less than twenty percent of the traffic
- 24 and crowd control personnel shall be commissioned police officers or
- 25 deputy sheriffs: PROVIDED FURTHER, That on and after February 25,
- 26 1972 any commissioned police officer or deputy sheriff who is
- 27 employed and compensated by the promoter of an outdoor music festival
- 28 shall not be eligible and shall not receive any benefits whatsoever
- 29 from any public pension or disability plan of which he or she is a
- 30 member for the time he is so employed or for any injuries received
- 31 during the course of such employment.
- 32 (c) During the hours that the festival site shall be open to the
- 33 public there shall be at least one regularly commissioned police
- 34 officer employed by the jurisdiction wherein the festival site is
- 35 located for every one thousand persons in attendance and said officer
- 36 shall be on duty within the confines of the actual outdoor music
- 37 festival site.
- 38 (d) All law enforcement personnel shall be charged with enforcing
- 39 the provisions of this chapter and all existing statutes, ordinances
- 40 and regulations.

1 (10) A written confirmation from the appropriate law enforcement
2 authority that sufficient access roads are available for ingress and
3 egress to the parking areas of the outdoor music festival site and
4 that parking areas are available on the actual site of the festival
5 or immediately adjacent thereto which are capable of accommodating
6 one auto for every four persons in estimated attendance at the
7 outdoor music festival site.

8 (11) A written confirmation from the department of natural
9 resources, where applicable, and the ((~~chief of the Washington state~~
10 ~~patrol~~)) fire service policy board, through the director of fire
11 protection, that all fire prevention requirements have been complied
12 with.

13 (12) A written statement of the applicant that all state and
14 local law enforcement officers, fire control officers and other
15 necessary governmental personnel shall have free access to the site
16 of the outdoor music festival.

17 (13) A statement that the applicant will abide by the provisions
18 of this chapter.

19 (14) The verification of the applicant warranting the truth of
20 the matters set forth in the application to the best of the
21 applicant's knowledge, under the penalty of perjury.

22 **Sec. 80.** RCW 70.160.060 and 1995 c 369 s 60 are each amended to
23 read as follows:

24 This chapter is not intended to regulate smoking in a private
25 enclosed workplace, within a public place, even though such workplace
26 may be visited by nonsmokers, excepting places in which smoking is
27 prohibited by the ((~~chief of the Washington state patrol~~)) fire
28 service policy board, through the director of fire protection, or by
29 other law, ordinance, or regulation.

30 **Sec. 81.** RCW 71.12.485 and 1995 c 369 s 61 are each amended to
31 read as follows:

32 Standards for fire protection and the enforcement thereof, with
33 respect to all establishments to be licensed hereunder, shall be the
34 responsibility of the ((~~chief of the Washington state patrol~~)) fire
35 service policy board, through the director of fire protection, who
36 shall adopt such recognized standards as may be applicable to such
37 establishments for the protection of life against the cause and
38 spread of fire and fire hazards. The department of health, upon

1 receipt of an application for a license, or renewal of a license,
2 shall submit to the (~~chief of the Washington state patrol~~) fire
3 service policy board, through the director of fire protection, in
4 writing, a request for an inspection, giving the applicant's name and
5 the location of the premises to be licensed. Upon receipt of such a
6 request, the (~~chief of the Washington state patrol~~) fire service
7 policy board, through the director of fire protection, or his or her
8 deputy shall make an inspection of the establishment to be licensed,
9 and if it is found that the premises do not comply with the required
10 safety standards and fire regulations as promulgated by the (~~chief~~
11 ~~of the Washington state patrol~~) fire service policy board, through
12 the director of fire protection, he or she shall promptly make a
13 written report to the establishment and the department of health as
14 to the manner and time allowed in which the premises must qualify for
15 a license and set forth the conditions to be remedied with respect to
16 fire regulations. The department of health, applicant or licensee
17 shall notify the (~~chief of the Washington state patrol~~) fire
18 service policy board, through the director of fire protection, upon
19 completion of any requirements made by him or her, and the director
20 of fire protection or his or her deputy shall make a reinspection of
21 such premises. Whenever the establishment to be licensed meets with
22 the approval of the (~~chief of the Washington state patrol~~) fire
23 service policy board, through the director of fire protection, he or
24 she shall submit to the department of health a written report
25 approving same with respect to fire protection before a full license
26 can be issued. The (~~chief of the Washington state patrol~~) fire
27 service policy board, through the director of fire protection, shall
28 make or cause to be made inspections of such establishments at least
29 annually. The department of health shall not license or continue the
30 license of any establishment unless and until it shall be approved by
31 the (~~chief of the Washington state patrol~~) fire service policy
32 board, through the director of fire protection, as herein provided.

33 In cities which have in force a comprehensive building code, the
34 provisions of which are determined by the (~~chief of the Washington~~
35 ~~state patrol~~) fire service policy board, through the director of
36 fire protection, to be equal to the minimum standards of the (~~chief~~
37 ~~of the Washington state patrol~~) fire service policy board, through
38 the director of fire protection, for such establishments, the chief
39 of the fire department, provided the latter is a paid chief of a paid
40 fire department, shall make the inspection with the (~~chief of the~~

1 ~~Washington state patrol~~) fire service policy board, through the
2 director of fire protection, or his or her deputy, and they shall
3 jointly approve the premises before a full license can be issued.

4 **Sec. 82.** RCW 74.15.050 and 2009 c 520 s 15 are each amended to
5 read as follows:

6 The (~~chief of the Washington state patrol~~) fire service policy
7 board, through the director of fire protection, shall have the power
8 and it shall be his or her duty:

9 (1) In consultation with the children's services advisory
10 committee and with the advice and assistance of persons
11 representative of the various type agencies to be licensed, to adopt
12 recognized minimum standard requirements pertaining to each category
13 of agency established pursuant to chapter 74.15 RCW and RCW
14 74.13.031, except foster family homes and child-placing agencies,
15 necessary to protect all persons residing therein from fire hazards;

16 (2) To make or cause to be made such inspections and
17 investigations of agencies, other than foster family homes or child-
18 placing agencies, as he or she deems necessary;

19 (3) To make a periodic review of requirements under RCW
20 74.15.030(7) and to adopt necessary changes after consultation as
21 required in subsection (1) of this section;

22 (4) To issue to applicants for licenses hereunder, other than
23 foster family homes or child-placing agencies, who comply with the
24 requirements, a certificate of compliance, a copy of which shall be
25 presented to the department before a license shall be issued, except
26 that an initial license may be issued as provided in RCW 74.15.120.

27 **Sec. 83.** RCW 74.15.080 and 2017 3rd sp.s. c 6 s 412 are each
28 amended to read as follows:

29 All agencies subject to this chapter (~~(74.15—RCW)~~) and RCW
30 74.13.031 shall accord the department, the secretary of health, the
31 (~~chief of the Washington state patrol~~) fire service policy board,
32 and the director of fire protection, or their designees, the right of
33 entrance and the privilege of access to and inspection of records for
34 the purpose of determining whether or not there is compliance with
35 the provisions of this chapter (~~(74.15—RCW)~~) and RCW 74.13.031 and
36 the requirements adopted thereunder.

1 NEW SECTION. **Sec. 84.** RCW 43.43.930, 43.43.934, 43.43.938,
2 43.43.939, 43.43.940, 43.43.942, 43.43.944, 43.43.946, 43.43.948,
3 43.43.950, 43.43.952, 43.43.960, 43.43.961, 43.43.962, 43.43.963,
4 43.43.964, and 43.43.965 are each recodified as sections in chapter
5 43.44 RCW.

6 NEW SECTION. **Sec. 85.** Sections 1 through 5 of this act are each
7 added to chapter 43.44 RCW.

8 NEW SECTION. **Sec. 86.** Sections 5 and 8 through 84 of this act
9 take effect January 1, 2024.

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