
ENGROSSED SUBSTITUTE HOUSE BILL 2863

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/02/96.

1 AN ACT Relating to expanding days of sale while not changing days
2 of use of common fireworks and clarifying other provisions of the
3 existing state fireworks law; amending RCW 70.77.255, 70.77.270,
4 70.77.325, 70.77.395, 70.77.420, 70.77.425, and 70.77.555; adding a new
5 section to chapter 70.77 RCW; prescribing penalties; and declaring an
6 emergency.

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

8 **Sec. 1.** RCW 70.77.255 and 1995 c 61 s 13 are each amended to read
9 as follows:

10 (1) Except as otherwise provided in this chapter, no person,
11 without ~~((an))~~ appropriate state licenses and city or county permits as
12 required may:

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

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

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

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

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

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

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

11 NEW SECTION. Sec. 2. A new section is added to chapter 70.77 RCW
12 to read as follows:

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

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

18 **Sec. 3.** RCW 70.77.270 and 1995 c 61 s 14 are each amended to read
19 as follows:

20 (1) The governing body of a city or county, or its designee, shall
21 grant an application for ((a)) an annual permit under RCW 70.77.260(1)
22 if the application meets the standards under this chapter, and the
23 applicable ordinances of the city or county. The annual permit shall
24 be granted by June 10 or thirty days after receipt of an application,
25 whichever date occurs first.

26 (2) The ((~~director of community, trade, and economic development~~))
27 chief of the Washington state patrol, through the director of fire
28 protection, shall prescribe uniform, state-wide standards for retail
29 fireworks stands. All cities and counties which allow retail fireworks
30 sales shall comply with these standards.

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

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

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

9 **Sec. 4.** RCW 70.77.325 and 1994 c 133 s 8 are each amended to read
10 as follows:

11 (1) An application for a license shall be made annually by every
12 person holding an existing license who wishes to continue the activity
13 requiring the license during an additional calendar year. The
14 application shall be accompanied by the annual license fees as
15 prescribed in RCW 70.77.343 and 70.77.340.

16 (2) A person applying for an annual license as a retailer under
17 this chapter shall file an application by ~~((June 10))~~ May 1 of the
18 current year. The ~~((director of community, trade, and economic
19 development))~~ chief of the Washington state patrol, through the
20 director of fire protection, shall grant or deny the license within
21 fifteen days of receipt of the application.

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

28 **Sec. 5.** RCW 70.77.395 and 1995 c 61 s 22 are each amended to read
29 as follows:

30 (1) It is legal to sell~~((,))~~ and purchase~~((, use, and discharge))~~
31 common fireworks within this state from ~~((twelve))~~ nine o'clock
32 ~~((noon))~~ a.m. on the twenty-eighth of June to twelve o'clock noon on
33 the sixth of July of each year, from nine o'clock a.m. on the twenty-
34 seventh of December to eleven o'clock p.m. on the thirty-first of
35 December of each year and as provided in RCW 70.77.311. ~~((However,~~
36 ~~no))~~

1 (2) Common fireworks may be (~~sold~~) used or discharged each day
2 between the hours of nine o'clock a.m. and eleven o'clock p.m. (~~and~~
3 ~~nine o'clock a.m.~~) on the twenty-eighth of June to the sixth of July,
4 (~~except~~) and on July 4th (~~from~~) between the hours of nine o'clock
5 a.m. (~~through~~) and twelve o'clock midnight, and (~~except~~) from six
6 o'clock p.m. on December 31st until one o'clock a.m. on January 1st of
7 the subsequent year and as provided in RCW 70.77.311: PROVIDED, That
8 a city or county may prohibit the sale or discharge of common fireworks
9 on December 31, 1995, by enacting an ordinance prohibiting such sale or
10 discharge within sixty days of April 17, 1995.

11 **Sec. 6.** RCW 70.77.420 and 1984 c 249 s 26 are each amended to read
12 as follows:

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

23 (2) For the purposes of this section the temporary storing or
24 keeping of common fireworks when in conjunction with a valid retail
25 sales license and permit shall comply with the standards adopted under
26 RCW 70.77.270(2) and not this section.

27 **Sec. 7.** RCW 70.77.425 and 1984 c 249 s 27 are each amended to read
28 as follows:

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

1 shall be returned on or before January 10th of the same year to the
2 approved storage facilities of a licensed fireworks wholesaler, to a
3 magazine or storage place approved by a local fire official.

4 **Sec. 8.** RCW 70.77.555 and 1995 c 61 s 26 are each amended to read
5 as follows:

6 (1) A ((local public agency)) city or county may provide by
7 ordinance for a fee for retail sales in an amount sufficient to cover
8 all legitimate costs for all needed permits and local licenses from
9 application to and through processing, issuance, and inspection, but in
10 no case to exceed a total of one hundred dollars for any one year.

11 Even though business, environmental impact, inspection, and all
12 other required costs, fees, local licenses, and permits are not
13 directly related to fireworks permits, fees, costs, and local licenses
14 on their face; when these fees, costs, local licenses, and permits are
15 necessary to the use and operation of the fireworks permits and local
16 licenses such as, but not limited to, business, environmental impact,
17 and inspection; they are included as part and parcel of the one hundred
18 dollar annual maximum fees, under subsection (1) of this section, that
19 cover costs for the fireworks permits and local licenses.

20 (2) A city or county may provide by ordinance for a fee for public
21 displays in an amount sufficient to cover all legitimate costs for all
22 needed permits and local licenses from application to and through
23 processing, issuance, and inspection, but in no case to exceed a total
24 of three hundred dollars for any one year.

25 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and shall take
28 effect immediately.

29 NEW SECTION. **Sec. 10.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

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