

**Chapter 9.40 RCW  
FIRE, CRIMES RELATING TO**

**Sections**

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*Arson: Chapter 9A.48 RCW.*

*Burning without permit in fire protection district—Penalty: RCW 52.12.101, 52.12.105.*

*County fire regulations: RCW 36.43.040.*

*Doors of buildings used by public: RCW 70.54.070.*

*Explosives, crimes relating to: Chapter 70.74 RCW.*

*Forest fire protection: Chapter 76.04 RCW.*

*Fraudulent destruction of insured property: RCW 48.30.220.*

*Special rights of action: Chapter 4.24 RCW.*

*State parks, fire violations: RCW 79A.05.165.*

**RCW 9.40.040 Operating engine or boiler without spark arrester.**

Every person who shall operate or permit to be operated in dangerous proximity to any brush, grass or other inflammable material, any spark-emitting engine or boiler which is not equipped with a modern spark-arrester, in good condition, shall be guilty of a misdemeanor. [1929 c 172 s 1; 1909 c 249 s 272; RRS s 2524.]

**RCW 9.40.100 Tampering with fire alarm or firefighting equipment—False alarm—Penalties.**

Any person who willfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any firefighting equipment, or who willfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or the chief of the Washington state patrol, through the director of fire protection. [2003 c 53 s 23; 1995 c 369 s 3; 1990 c 177 s 1; 1986 c 266 s 80; 1967 c 204 s 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Effective date—1995 c 369:** See note following RCW 43.43.930.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**RCW 9.40.105 Tampering with fire alarm or firefighting equipment—Intent to commit arson—Penalty.** Any person who willfully and without cause tampers with, molests, injures, or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any firefighting equipment with the intent to commit arson, is guilty of a class B felony punishable according to chapter 9A.20 RCW. [2003 c 53 s 24.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**RCW 9.40.110 Incendiary devices—Definitions.** For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section. [1971 ex.s. c 302 s 3; 1969 ex.s. c 79 s 2.]

**Severability—1971 ex.s. c 302:** See note following RCW 9.41.010.

**RCW 9.40.120 Incendiary devices—Penalty.** Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a class B felony punishable according to chapter 9A.20 RCW, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ten years. [2003 c 53 s 25; 1999 c 352 s 5; 1971 ex.s. c 302 s 4; 1969 ex.s. c 79 s 3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Application—1999 c 352 ss 3-5:** See note following RCW 9.94A.515.

**Severability—1971 ex.s. c 302:** See note following RCW 9.41.010.

**RCW 9.40.130 Incendiary devices—Exceptions.** RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firefighters,

or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section. [2007 c 218 s 62; 1971 ex.s. c 302 s 5; 1969 ex.s. c 79 s 4.]

**Intent—Finding—2007 c 218:** See note following RCW 41.08.020.

**Severability—1971 ex.s. c 302:** See note following RCW 9.41.010.