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Passed the House March 28, 1969
Passed the Senate April 11, 1969
Approved by the Governor April 21, 1969
Filed in office of Secretary of State April 21, 1969

CHAPTER 137
[Engrossed Substitute House Bill No. 31]
EXPLOSIVES

AN ACT Relating to explosives; amending section 1, chapter 111, Laws of 1931 and RCW 70.74.010; amending section 2, chapter 111, Laws of 1931, as amended by section 1, chapter 99, Laws of 1967, and RCW 70.74.020; amending section 17, chapter 111, Laws of 1931 and RCW 70.74.220; amending section 3, chapter 111, Laws of 1931 and RCW 70.74.030; amending section 10, chapter 111, Laws of 1931 and RCW 70.74.100; amending section 11, chapter 111, Laws of 1931, as amended by section 1, chapter 101, Laws of 1941, and RCW 70.74.110; amending section 12, chapter 111, Laws of 1931, as amended by section 2, chapter 101, Laws of 1941, and RCW 70.74.120; amending section 13, chapter 111, Laws of 1931 and RCW 70.74.140; amending section 3, chapter 101, Laws of 1941 and RCW 70.74.130; amending section 5, chapter 101, Laws of 1941 and RCW 70.74.240; amending section 15, chapter 111, Laws of 1931 and RCW 70.74.160; amending section 16, chapter 111, Laws of 1931 and RCW 70.74.170; amending section 18, chapter 111, Laws of 1931 and RCW 70.74.180; amending section 130, chapter 36, Laws of 1917 and RCW 78.40.491; amending section 400, chapter 249, Laws of 1909 and RCW 70.74.270; amending section 401, chapter 249, Laws of 1909 and RCW 70.74.280; amending section 252, chapter 249, Laws of 1909 and RCW 70.74.290; amending section 254, chapter 249, Laws of 1909 and RCW 70.74.300; amending section 1, chapter 245, Laws of 1927 and RCW 70.74.310; adding new sections to chapter 111, Laws of 1931 and to chapter 70.74 RCW; repealing section 20, chapter 111, Laws of 1931 and RCW 70.74.190; repealing section 21, chapter 111, Laws of 1931 and RCW 70.74.200; repealing section 6, chapter 111, Laws of 1931

and RCW 70.74.060; repealing section 7, chapter 111, Laws of 1931 and RCW 70.74.070; repealing section 8, chapter 111, Laws of 1931 and RCW 70.74.080; repealing section 9, chapter 111, Laws of 1931 and RCW 70.74.090; and providing penalties.

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

NEW SECTION. Section 1. This act may be known and cited as the "Washington state explosives act."

NEW SECTION. Sec. 2. The purpose of this 1969 amendatory act is to modernize the state explosives act so as to provide a new and complete chapter on the regulation of explosives in all phases in order to comply with modern safety techniques, especially in the light of many new and exotic explosives, since the original act was passed in 1931. This 1969 amendatory act shall apply to the manufacture, possession, storage, sale, purchase, transportation, use and other disposition of explosives and blasting agents.

Sec. 3. Section 1, chapter 111, Laws of 1931 and RCW 70.74.010 are each amended to read as follows:

As used in this act, unless a different meaning is plainly required by the context:

The terms "authorized", "approved" or "approval" shall be held to mean authorized, approved or approval by the department of labor and industries.

The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

The term "explosive" or "explosives" whenever used in this act, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by

~~((detenater))~~ detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B and class C explosives by the federal department of transportation.

Classification of explosives shall include but not be limited to the following:

CLASS A EXPLOSIVES: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

CLASS B EXPLOSIVES: (Possessing flammable hazard) propellant explosives, including smokeless propellants.

CLASS C EXPLOSIVES: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities).

The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

The ~~((word))~~ term "magazine", ~~((whenever-used-in-this-act, means))~~ shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

The term "inhabited building", ~~((whenever-used-in-this-act))~~ shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other building where people are accustomed to assemble, other than ~~((buildings-or-explosives-plants))~~ any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

The term "explosives manufacturing plant" ~~((whenever-used-in this-act, means-and-includes))~~ shall be held to mean and include all lands, with the buildings situated thereon, used in connection with

the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "~~((factory-building))~~ explosives manufacturing building", ~~((whenever-used-in-this-act))~~ shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

The term "railroad" (~~(-whenever-used-in-this-act-)~~) shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway" (~~(-whenever-used-in-this-act-)~~) shall be held to mean and include any public street, public alley or public road.

The term "efficient artificial barricade" (~~(-whenever-used-in-this-act-)~~) shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

The term "person" (~~(-whenever-used-in-this-act-)~~) shall be held to mean and include (~~(firms-and-corporations-as-well-as-natural persons)~~) any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway or water in accordance with the regulations of the federal

department of transportation.

The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder and projectiles into cartridge cases.

The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

The term "natural barricade" shall be held to mean and include any natural hill, mound, wall or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

The term "oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane or other vehicle which is carrying passengers for hire.

The term "public utility transmission system" shall mean power transmission lines over 10 KVA, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal or other publicly owned systems.

The term "purchaser" shall be held to mean any person who buys, accepts or receives any explosives or blasting agents.

The term "pyrotechnics" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting or pyrotechnic projectiles is excluded from this definition.

The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder.

The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures which function by rapid combustion.

The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. 4. Section 2, chapter 111, Laws of 1931, as amended by section 1, chapter 99, Laws of 1967, and RCW 70.74.020 are each amended to read as follows:

No person shall manufacture, possess, ~~((have, keep or store explosives in this state,))~~ store, sell, purchase, transport, or use explosives or blasting agents except in compliance with this act ~~((except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction))~~.

The director of the department of labor and industries shall make and promulgate rules and regulations concerning qualifications of users of explosives and shall have the authority to issue licenses

for users of explosives to effectuate the purpose of this act: PROVIDED, That where there is a finding by the director that the use or disposition of explosives in any class of industry presents no unusual hazard to the safety of life or limb of persons employed therewith, and where the users are supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a license for such use under this act, the director in his discretion may exclude said users in those classes of industry from individual licensing.

The director of the department of labor and industries shall make and promulgate rules and regulations concerning the manufacture, sale, purchase, use, transportation, storage and disposal of explosives, and shall have the authority to issue licenses for the manufacture, purchase, sale, use, transportation and storage of explosives to effectuate the purpose of this act. The director of the department of labor and industries is hereby delegated the authority to grant written waiver of this act whenever it can be shown that the manufacturing, handling, or storing of explosives are in compliance with applicable national or federal explosive safety standards.

It shall be unlawful to sell, give away or otherwise dispose of, or deliver to any person under ~~((eighteen))~~ twenty-one years of age any explosives other than small arms ammunition and handloader components, whether said person is acting for himself or for any other person: PROVIDED, That if there is a finding by the director that said use or disposition of explosives poses no unusual hazard to the safety of life or limb in any class of industry, where persons eighteen years of age or older are employed as users, and where said persons are adequately trained and adequately supervised by a superior in an employment relationship who is sufficiently experienced in the use of explosives, and who possesses a valid license for such use under this act, the director in his discretion may exclude said persons in that class of industry from said minimum age requirement.

All persons engaged in keeping, using or storing any compound, mixture or material, in wet condition, or

otherwise, which upon drying out or undergoing other physical changes, may become an explosive within the definition of RCW 70.74.010 and section 3 of this 1969 amendatory act, shall report in writing subscribed to by such person or his agent, to the department of labor and industries, report blanks to be furnished by such department, and such reports to require:

- (1) The kind of compound, mixture or material kept or stored, and maximum quantity thereof.
- (2) Condition or state of compound, mixture or material.
- (3) Place where kept or stored.

The department of labor and industries may at any time cause an inspection to be made to determine whether the condition of the compound, mixture or material is as reported.

NEW SECTION. Sec. 5. There is added to chapter 111, Laws of 1931, and to chapter 70.74 RCW a new section to read as follows:

The laws contained in this 1969 amendatory act and the ensuing regulations prescribed by the department of labor and industries shall not apply to:

- (1) Explosives or blasting agents in the course of transportation by way of railroad, water, highway or air under the jurisdiction of, and in conformity with, regulations adopted by the federal department of transportation, the Washington state utilities and transportation commission and the Washington state patrol;
- (2) The laboratories of schools, colleges and similar institutions if confined to the purpose of instruction or research and if not exceeding the quantity of one pound;
- (3) Explosives in the forms prescribed by the official United States Pharmacopeia;

(4) The transportation, storage and use of explosives or blasting agents in the normal and emergency operations of federal agencies and departments including the regular United States military departments on military reservations, or the duly authorized militia of any state or territory, or to emergency operations of any state department or agency, any police, or any municipality or county;

(5) The sale and use of fireworks, signaling devices, flares, fuses, and torpedoes;

(6) Any violation under this 1969 amendatory act if any existing ordinance of any city, municipality or county is more stringent than this 1969 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

This 1969 amendatory act shall not affect, modify or limit the power of a city, municipality or county in this state to make an ordinance that is more stringent than this 1969 amendatory act which is applicable within their respective corporate limits or boundaries.

Sec. 7. Section 17, chapter 111, Laws of 1931 and RCW 70.74.220 are each amended to read as follows:

Except as otherwise provided by the specific penalty provisions in this 1969 amendatory act and in chapter 70.74 RCW, whoever fails to comply with or violates any of the provisions of this 1969 amendatory act or of chapter 70.74 RCW shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars.

NEW SECTION. Sec. 8. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

In order to ease the immediate application of this 1969 amendatory act, the director of the department of labor and industries may

issue a temporary permit for up to twelve months from the effective date of this 1969 amendatory act for the continued use of an existing plant, store, equipment, building structure, and installation for the storage, or for the handling or use of explosives or blasting agents which are not in strict compliance with the terms of this code. No temporary permit shall be issued by the director if the continued use of the storage facility or if the handling or use of the explosives or blasting caps would constitute a distinct hazard to life or adjoining property. In all cases where such permit is denied, the issuing authority shall notify the applicant and specify the reasons for denial in writing. Upon the expiration of the temporary permit, the permit holder shall fall under the application of the provisions of this 1969 amendatory act and of chapter 70.74 RCW.

NEW SECTION. Sec. 9. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

The director of the department of labor and industries shall establish by rule or regulation requirements for classification, location and construction of magazines for storage of explosives in compliance with accepted applicable explosive safety standards. All explosives shall be kept in magazines which meet the requirements of this 1969 amendatory act.

Sec. 10. Section 3, chapter 111, Laws of 1931 and RCW 70.74-.030 are each amended to read as follows:

All ((factory)) explosive manufacturing buildings and magazines in which explosives or blasting agents except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, ((and)) highways and public utility transmission systems in conformity with the following quantity and distance tables, and ((this-table)) these tables shall be the basis on which applications for ((certificate--of compliance,--as-provided-in-RCW,70.74.120,--shall-be-made-and-the-certificate-of-compliance-issued)) license for storage shall be made and license for storage issued, as provided in sections 13 and 14 of this

1969 amendatory act. All distances prescribed in the table below are unbarricaded, and, if there is an efficient artificial barricade or a natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway or public utility transmission system, the distance prescribed in the table below may be reduced by one-half. Blasting and electric blasting caps in strength through No. 8 must be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than No. 8 must be computed on the combined weight of explosives. ((--PROVIDED, That the quantity and distance table may be disregarded and a certificate of compliance may be issued for two second class magazines (see RCW 70.74.090) in any building not otherwise prohibited by law, if the contents and location of the magazine are as follows:

(1) One second class magazine containing not more than fifty pounds of explosives may be allowed if the said second class magazine is placed on wheels and located not more than ten feet from, on the same floor with and directly opposite to the entrance on the floor nearest the street level;

(2) One second class magazine containing not more than five thousand blasting caps may be allowed if the said second class magazine is placed on wheels and located on the floor nearest the street level;))

The quantity and distance table governing the manufacture, keeping and storage of explosives to be as follows:

QUANTITY AND DISTANCE TABLE

((-----

| Column | Column | Column | Column |
|--|---------------|---------------|---------------|
| 1 | 2 | 3 | 4 |
| Quantity That May be Had, Kept or Stored | Distance From | Distance From | Distance From |
| Blasting and Electric | Nearest | Nearest | Nearest |
| Blasting Caps | Building | Railway | Highway |
| Other Explosives | | | |

| Number Over | Number-Not Over | Pounds Over | Pounds-Not Over | Feet | Feet | Feet |
|----------------|--------------------|----------------|--------------------|-------|-------|------|
| 1,000 | 5,000 | | | 30 | 20 | 10 |
| 5,000 | 10,000 | | | 60 | 40 | 20 |
| 10,000 | 20,000 | | | 120 | 70 | 35 |
| 20,000 | 25,000 | | 50 | 145 | 90 | 45 |
| 25,000 | 50,000 | 50 | 100 | 240 | 140 | 70 |
| 50,000 | 100,000 | 100 | 200 | 360 | 220 | 110 |
| 100,000 | 150,000 | 200 | 300 | 520 | 310 | 150 |
| 150,000 | 200,000 | 300 | 400 | 640 | 380 | 190 |
| 200,000 | 250,000 | 400 | 500 | 720 | 430 | 220 |
| 250,000 | 300,000 | 500 | 600 | 800 | 480 | 240 |
| 300,000 | 350,000 | 600 | 700 | 860 | 520 | 260 |
| 350,000 | 400,000 | 700 | 800 | 920 | 550 | 280 |
| 400,000 | 450,000 | 800 | 900 | 980 | 590 | 300 |
| 450,000 | 500,000 | 900 | 1,000 | 1,020 | 610 | 310 |
| 500,000 | 750,000 | 1,000 | 1,500 | 1,060 | 640 | 320 |
| 750,000 | 1,000,000 | 1,500 | 2,000 | 1,200 | 720 | 360 |
| 1,000,000 | 1,500,000 | 2,000 | 3,000 | 1,300 | 780 | 390 |
| 1,500,000 | 2,000,000 | 3,000 | 4,000 | 1,420 | 850 | 420 |
| 2,000,000 | 2,500,000 | 4,000 | 5,000 | 1,500 | 900 | 450 |
| 2,500,000 | 3,000,000 | 5,000 | 6,000 | 1,560 | 940 | 470 |
| 3,000,000 | 3,500,000 | 6,000 | 7,000 | 1,610 | 970 | 490 |
| 3,500,000 | 4,000,000 | 7,000 | 8,000 | 1,660 | 1,000 | 500 |
| 4,000,000 | 4,500,000 | 8,000 | 9,000 | 1,700 | 1,020 | 510 |
| 4,500,000 | 5,000,000 | 9,000 | 10,000 | 1,740 | 1,040 | 520 |
| 5,000,000 | 7,500,000 | 10,000 | 15,000 | 1,780 | 1,070 | 530 |
| 7,500,000 | 10,000,000 | 15,000 | 20,000 | 1,950 | 1,170 | 580 |
| 10,000,000 | 12,500,000 | 20,000 | 25,000 | 2,110 | 1,270 | 630 |
| 12,500,000 | 15,000,000 | 25,000 | 30,000 | 2,260 | 1,360 | 680 |

| | | | | | | |
|------------|------------|---------|---------|-------|-------|---------|
| 15,000,000 | 17,500,000 | 30,000 | 35,000 | 2,410 | 1,450 | 720 |
| 17,500,000 | 20,000,000 | 35,000 | 40,000 | 2,550 | 1,530 | 760 |
| | | 40,000 | 45,000 | 2,680 | 1,610 | 800 |
| | | 45,000 | 50,000 | 2,800 | 1,680 | 840 |
| | | 50,000 | 55,000 | 2,920 | 1,750 | 880 |
| | | 55,000 | 60,000 | 3,030 | 1,820 | 910 |
| | | 60,000 | 65,000 | 3,130 | 1,880 | 940 |
| | | 65,000 | 70,000 | 3,220 | 1,940 | 970 |
| | | 70,000 | 75,000 | 3,310 | 1,990 | 1,000 |
| | | 75,000 | 80,000 | 3,390 | 2,040 | 1,020 |
| | | 80,000 | 85,000 | 3,460 | 2,080 | 1,040 |
| | | 85,000 | 90,000 | 3,520 | 2,120 | 1,060 |
| | | 90,000 | 95,000 | 3,580 | 2,150 | 1,080 |
| | | 95,000 | 100,000 | 3,630 | 2,180 | 1,090 |
| | | 100,000 | 125,000 | 3,670 | 2,200 | 1,100 |
| | | 125,000 | 150,000 | 3,800 | 2,280 | 1,140 |
| | | 150,000 | 175,000 | 3,930 | 2,360 | 1,180 |
| | | 175,000 | 200,000 | 4,060 | 2,440 | 1,220 |
| | | 200,000 | 225,000 | 4,190 | 2,520 | 1,260 |
| | | 225,000 | 250,000 | 4,310 | 2,590 | 1,300 |
| | | 250,000 | 275,000 | 4,430 | 2,660 | 1,340 |
| | | 275,000 | 300,000 | 4,550 | 2,730 | 1,380)) |

| <u>COLUMN 1</u> | <u>COLUMN 2</u> | <u>COLUMN 3</u> | <u>COLUMN 4</u> |
|---------------------------------------|------------------|-----------------|---------------------|
| <u>Quantity that may be had, kept</u> | <u>Distance</u> | <u>Distance</u> | <u>Distance</u> |
| <u>or stored</u> | <u>from</u> | <u>from</u> | <u>from</u> |
| | <u>Nearest</u> | <u>Nearest</u> | <u>Nearest</u> |
| | <u>Inhabited</u> | <u>Railroad</u> | <u>Highway</u> |
| | <u>Building</u> | | <u>and Public</u> |
| | | | <u>Utility</u> |
| | | | <u>Transmission</u> |
| | | | <u>System</u> |

EXPLOSIVES

| <u>Pounds</u> | <u>Pounds</u> | <u>Feet</u> | <u>Feet</u> | <u>Feet</u> |
|---------------|-----------------|--------------|-------------|-------------|
| <u>Over</u> | <u>Not Over</u> | | | |
| <u>2</u> | <u>5</u> | <u>140</u> | <u>60</u> | <u>60</u> |
| <u>5</u> | <u>10</u> | <u>180</u> | <u>70</u> | <u>70</u> |
| <u>10</u> | <u>20</u> | <u>220</u> | <u>90</u> | <u>90</u> |
| <u>20</u> | <u>30</u> | <u>250</u> | <u>100</u> | <u>100</u> |
| <u>30</u> | <u>40</u> | <u>280</u> | <u>110</u> | <u>110</u> |
| <u>40</u> | <u>50</u> | <u>300</u> | <u>120</u> | <u>120</u> |
| <u>50</u> | <u>75</u> | <u>340</u> | <u>140</u> | <u>140</u> |
| <u>75</u> | <u>100</u> | <u>380</u> | <u>150</u> | <u>150</u> |
| <u>100</u> | <u>125</u> | <u>400</u> | <u>160</u> | <u>160</u> |
| <u>125</u> | <u>150</u> | <u>430</u> | <u>170</u> | <u>170</u> |
| <u>150</u> | <u>200</u> | <u>470</u> | <u>190</u> | <u>190</u> |
| <u>200</u> | <u>250</u> | <u>510</u> | <u>210</u> | <u>210</u> |
| <u>250</u> | <u>300</u> | <u>540</u> | <u>220</u> | <u>220</u> |
| <u>300</u> | <u>400</u> | <u>590</u> | <u>240</u> | <u>240</u> |
| <u>400</u> | <u>500</u> | <u>640</u> | <u>260</u> | <u>260</u> |
| <u>500</u> | <u>600</u> | <u>680</u> | <u>270</u> | <u>270</u> |
| <u>600</u> | <u>700</u> | <u>710</u> | <u>290</u> | <u>290</u> |
| <u>700</u> | <u>800</u> | <u>750</u> | <u>300</u> | <u>300</u> |
| <u>800</u> | <u>900</u> | <u>780</u> | <u>310</u> | <u>310</u> |
| <u>900</u> | <u>1,000</u> | <u>800</u> | <u>320</u> | <u>320</u> |
| <u>1,000</u> | <u>1,200</u> | <u>850</u> | <u>340</u> | <u>330</u> |
| <u>1,200</u> | <u>1,400</u> | <u>900</u> | <u>360</u> | <u>340</u> |
| <u>1,400</u> | <u>1,600</u> | <u>940</u> | <u>380</u> | <u>350</u> |
| <u>1,600</u> | <u>1,800</u> | <u>980</u> | <u>390</u> | <u>360</u> |
| <u>1,800</u> | <u>2,000</u> | <u>1,010</u> | <u>410</u> | <u>370</u> |
| <u>2,000</u> | <u>2,500</u> | <u>1,090</u> | <u>440</u> | <u>380</u> |
| <u>2,500</u> | <u>3,000</u> | <u>1,160</u> | <u>470</u> | <u>390</u> |
| <u>3,000</u> | <u>4,000</u> | <u>1,270</u> | <u>510</u> | <u>420</u> |
| <u>4,000</u> | <u>5,000</u> | <u>1,370</u> | <u>550</u> | <u>450</u> |
| <u>5,000</u> | <u>6,000</u> | <u>1,460</u> | <u>590</u> | <u>470</u> |

| | | | | |
|----------------|----------------|--------------|--------------|--------------|
| <u>6,000</u> | <u>7,000</u> | <u>1,540</u> | <u>620</u> | <u>490</u> |
| <u>7,000</u> | <u>8,000</u> | <u>1,600</u> | <u>640</u> | <u>500</u> |
| <u>8,000</u> | <u>9,000</u> | <u>1,670</u> | <u>670</u> | <u>510</u> |
| <u>9,000</u> | <u>10,000</u> | <u>1,730</u> | <u>690</u> | <u>520</u> |
| <u>10,000</u> | <u>12,000</u> | <u>1,750</u> | <u>740</u> | <u>540</u> |
| <u>12,000</u> | <u>14,000</u> | <u>1,770</u> | <u>780</u> | <u>550</u> |
| <u>14,000</u> | <u>16,000</u> | <u>1,800</u> | <u>810</u> | <u>560</u> |
| <u>16,000</u> | <u>18,000</u> | <u>1,880</u> | <u>840</u> | <u>570</u> |
| <u>18,000</u> | <u>20,000</u> | <u>1,950</u> | <u>870</u> | <u>580</u> |
| <u>20,000</u> | <u>25,000</u> | <u>2,110</u> | <u>940</u> | <u>630</u> |
| <u>25,000</u> | <u>30,000</u> | <u>2,260</u> | <u>1,000</u> | <u>680</u> |
| <u>30,000</u> | <u>35,000</u> | <u>2,410</u> | <u>1,050</u> | <u>720</u> |
| <u>35,000</u> | <u>40,000</u> | <u>2,550</u> | <u>1,100</u> | <u>760</u> |
| <u>40,000</u> | <u>45,000</u> | <u>2,680</u> | <u>1,140</u> | <u>800</u> |
| <u>45,000</u> | <u>50,000</u> | <u>2,800</u> | <u>1,180</u> | <u>840</u> |
| <u>50,000</u> | <u>55,000</u> | <u>2,920</u> | <u>1,220</u> | <u>880</u> |
| <u>55,000</u> | <u>60,000</u> | <u>3,030</u> | <u>1,260</u> | <u>910</u> |
| <u>60,000</u> | <u>65,000</u> | <u>3,130</u> | <u>1,290</u> | <u>940</u> |
| <u>65,000</u> | <u>70,000</u> | <u>3,220</u> | <u>1,320</u> | <u>970</u> |
| <u>70,000</u> | <u>75,000</u> | <u>3,310</u> | <u>1,350</u> | <u>1,000</u> |
| <u>75,000</u> | <u>80,000</u> | <u>3,390</u> | <u>1,380</u> | <u>1,020</u> |
| <u>80,000</u> | <u>85,000</u> | <u>3,460</u> | <u>1,410</u> | <u>1,040</u> |
| <u>85,000</u> | <u>90,000</u> | <u>3,520</u> | <u>1,440</u> | <u>1,060</u> |
| <u>90,000</u> | <u>95,000</u> | <u>3,580</u> | <u>1,460</u> | <u>1,080</u> |
| <u>95,000</u> | <u>100,000</u> | <u>3,630</u> | <u>1,490</u> | <u>1,090</u> |
| <u>100,000</u> | <u>110,000</u> | <u>3,670</u> | <u>1,540</u> | <u>1,100</u> |
| <u>110,000</u> | <u>120,000</u> | <u>3,710</u> | <u>1,580</u> | <u>1,110</u> |
| <u>120,000</u> | <u>130,000</u> | <u>3,750</u> | <u>1,620</u> | <u>1,120</u> |
| <u>130,000</u> | <u>140,000</u> | <u>3,780</u> | <u>1,670</u> | <u>1,130</u> |
| <u>140,000</u> | <u>150,000</u> | <u>3,800</u> | <u>1,700</u> | <u>1,140</u> |
| <u>150,000</u> | <u>160,000</u> | <u>3,870</u> | <u>1,740</u> | <u>1,160</u> |
| <u>160,000</u> | <u>170,000</u> | <u>3,930</u> | <u>1,780</u> | <u>1,180</u> |
| <u>170,000</u> | <u>180,000</u> | <u>3,980</u> | <u>1,810</u> | <u>1,200</u> |

| | | | | |
|----------------|----------------|--------------|--------------|--------------|
| <u>180,000</u> | <u>190,000</u> | <u>4,020</u> | <u>1,840</u> | <u>1,210</u> |
| <u>190,000</u> | <u>200,000</u> | <u>4,060</u> | <u>1,870</u> | <u>1,220</u> |
| <u>200,000</u> | <u>210,000</u> | <u>4,110</u> | <u>1,910</u> | <u>1,240</u> |
| <u>210,000</u> | <u>230,000</u> | <u>4,200</u> | <u>1,960</u> | <u>1,270</u> |
| <u>230,000</u> | <u>250,000</u> | <u>4,310</u> | <u>2,020</u> | <u>1,300</u> |
| <u>250,000</u> | <u>275,000</u> | <u>4,430</u> | <u>2,080</u> | <u>1,340</u> |
| <u>275,000</u> | <u>300,000</u> | <u>4,550</u> | <u>2,150</u> | <u>1,380</u> |

NEW SECTION. Sec. 11. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances based on the following:

(1) Blasting caps in strengths through No. 8 should be rated at one and one-half pounds of explosive per one thousand caps;

(2) For strengths higher than No. 8, use the total combined weight of explosives;

(3) Magazines in which explosives are kept and stored shall be detached from other structures and separated from other magazines in conformity with the quantity and distance table set forth below:

QUANTITY AND DISTANCE TABLE FOR SEPARATION

BETWEEN MAGAZINES CONTAINING EXPLOSIVES

Separation Distance in Feet
Between Magazines.

| Pounds Over | Pounds Not Over | Not Barricaded | Barricaded |
|----------------|--------------------|----------------|------------|
| 2 | 5 | 12 | 6 |
| 5 | 10 | 16 | 8 |
| 10 | 20 | 20 | 10 |
| 20 | 30 | 22 | 11 |
| 30 | 40 | 24 | 12 |
| 40 | 50 | 28 | 14 |
| 50 | 75 | 30 | 15 |

| | | | |
|--------|--------|-----|-----|
| 75 | 100 | 32 | 16 |
| 100 | 125 | 36 | 18 |
| 125 | 150 | 38 | 19 |
| 150 | 200 | 42 | 21 |
| 200 | 250 | 46 | 23 |
| 250 | 300 | 48 | 24 |
| 300 | 400 | 54 | 27 |
| 400 | 500 | 58 | 29 |
| 500 | 600 | 62 | 31 |
| 600 | 700 | 64 | 32 |
| 700 | 800 | 66 | 33 |
| 800 | 900 | 70 | 35 |
| 900 | 1,000 | 72 | 36 |
| 1,000 | 1,200 | 78 | 39 |
| 1,200 | 1,400 | 82 | 41 |
| 1,400 | 1,600 | 86 | 43 |
| 1,600 | 1,800 | 88 | 44 |
| 1,800 | 2,000 | 90 | 45 |
| 2,000 | 2,500 | 98 | 49 |
| 2,500 | 3,000 | 104 | 52 |
| 3,000 | 4,000 | 116 | 58 |
| 4,000 | 5,000 | 122 | 61 |
| 5,000 | 6,000 | 130 | 65 |
| 6,000 | 7,000 | 136 | 68 |
| 7,000 | 8,000 | 144 | 72 |
| 8,000 | 9,000 | 150 | 75 |
| 9,000 | 10,000 | 156 | 78 |
| 10,000 | 12,000 | 164 | 82 |
| 12,000 | 14,000 | 174 | 87 |
| 14,000 | 16,000 | 180 | 90 |
| 16,000 | 18,000 | 188 | 94 |
| 18,000 | 20,000 | 196 | 98 |
| 20,000 | 25,000 | 210 | 105 |

| | | | |
|---------|---------|-----|-----|
| 25,000 | 30,000 | 224 | 112 |
| 30,000 | 35,000 | 238 | 119 |
| 35,000 | 40,000 | 248 | 124 |
| 40,000 | 45,000 | 258 | 129 |
| 45,000 | 50,000 | 270 | 135 |
| 50,000 | 55,000 | 280 | 140 |
| 55,000 | 60,000 | 290 | 145 |
| 60,000 | 65,000 | 300 | 150 |
| 65,000 | 70,000 | 310 | 155 |
| 70,000 | 75,000 | 320 | 160 |
| 75,000 | 80,000 | 330 | 165 |
| 80,000 | 85,000 | 340 | 170 |
| 85,000 | 90,000 | 350 | 175 |
| 90,000 | 95,000 | 360 | 180 |
| 95,000 | 100,000 | 370 | 185 |
| 100,000 | 110,000 | 380 | 195 |
| 110,000 | 120,000 | 410 | 205 |
| 120,000 | 130,000 | 430 | 215 |
| 130,000 | 140,000 | 450 | 225 |
| 140,000 | 150,000 | 470 | 235 |
| 150,000 | 160,000 | 490 | 245 |
| 160,000 | 170,000 | 510 | 255 |
| 170,000 | 180,000 | 530 | 265 |
| 180,000 | 190,000 | 550 | 275 |
| 190,000 | 200,000 | 570 | 285 |
| 200,000 | 210,000 | 590 | 295 |
| 210,000 | 230,000 | 630 | 315 |
| 230,000 | 250,000 | 670 | 335 |
| 250,000 | 275,000 | 720 | 360 |
| 275,000 | 300,000 | 770 | 385 |

Sec. 12. Section 10, chapter 111, Laws of 1931 and RCW 70.74.100 are each amended to read as follows:

No blasting caps, or other detonating or fulminating caps, or

detonators, or flame-producing devices shall be kept or stored in any magazine in which other explosives are kept or stored.

Sec. 13. Section 11, chapter 111, Laws of 1931, as amended by section 1, chapter 101, Laws of 1941 and RCW 70.74.110 are each amended to read as follows:

All persons engaged in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device, on the date when this 1969 amendatory act takes effect (~~((1))~~), shall within sixty days thereafter, and all persons engaging in the manufacture of explosives, or any process involving explosives, or where explosives are used as a component part in the manufacture of any article or device after this act takes effect (~~((2))~~) shall, before so engaging, make (~~(a-repeal)~~) an application in writing, subscribed to by such person or his agent, to the department of labor and industries, the (~~(repeal)~~) application stating:

(1) Location of place of manufacture or processing (~~((7))~~);

(2) Kind of explosives manufactured, processed or used (~~((7))~~);

(3) The distance that such explosives manufacturing building is located or intended to be located from the other factory buildings, magazines, inhabited buildings, railroads and highways and public utility transmission systems;

~~((43))~~ (4) The name and address of the applicant (~~((7))~~);

~~((44))~~ (5) The reason for desiring to manufacture explosives (~~((7))~~);

~~((45))~~ (6) The applicant's citizenship, if the applicant is an individual (~~((7))~~);

~~((46))~~ (7) If the applicant is a partnership, the names and addresses of the partners, and their citizenship (~~(and)~~);

~~((47))~~ (8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof, and their citizenship (~~((7))~~) ; and

(9) Such other pertinent information as the director of labor

and industries shall require to effectuate the purpose of this 1969 amendatory act.

There shall be kept in the main office on the premises of each explosives manufacturing plant a plan of said plant showing the location of all ((factory)) explosives manufacturing buildings and the distance they are located from other factory buildings where persons are employed and from magazines, and these plans shall at all times be open to inspection by duly authorized inspectors of the department of labor and industries. The superintendent of each plant shall upon demand of said inspector furnish the following information:

(a) The maximum amount and kind of explosive material which is or will be present in each building at one time.

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades.

The department of labor and industries shall as soon as may be after receiving such ((~~report~~)) application cause an inspection to be made of the explosives manufacturing plant, and if found to be in accordance with RCW 70.74.030 and 70.74.050 and in section 11 of this 1969 amendatory act, such department shall issue a license to the person applying therefor showing compliance with the provisions of this act ((~~3~~)), unless the department shall find that the applicant or the officers, agents or employees of the applicant are not sufficiently experienced in the manufacture of explosives, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Such license shall continue in full force and effect until surrendered or canceled, because of failure to comply with any of the conditions necessary for the granting of a license.

Sec. 14. Section 12, chapter 111, Laws of 1931, as amended by section 2, chapter 101, Laws of 1941 and RCW 70.74.120 are each amended to read as follows:

All persons engaged in keeping or storing and all persons having in their possession explosives on the date when this 1969

amendatory act takes effect ((1)) shall within sixty days thereafter, and all persons engaging in keeping or storing explosives or coming into possession thereof after this act takes effect ((2)) , shall before engaging in the keeping or storing of explosives or taking possession thereof, make ((a-report)) an application in writing subscribed to by such person or his agent, to the department of labor and industries stating:

(1) The location of the magazine, if any, if then existing, or in case of a new magazine, the proposed location of such magazine ((-));

(2) The kind of explosives that are kept or stored or possessed or intended to be kept or stored or possessed and the maximum quantity that is intended to be kept or stored or possessed thereat ((-));

(3) The distance that such magazine is located or intended to be located from ((the-nearest-buildings,-railroads-and-highways)) other magazines, inhabited buildings, explosives manufacturing buildings, railroads, highways and public utility transmission systems ((-));

(4) The name and address of the applicant ((-));

(5) The reason for desiring to store or possess explosives((-));

(6) The citizenship of the applicant if the applicant is an individual ((-));

(7) If the applicant is a partnership, the names and addresses of the partners and their citizenship ((-));

(8) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship ((-));

(9) And such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall, as soon as may be after receiving such ((report)) application, cause an inspection to be made of the magazine, if then constructed, and, in the case of a new magazine, as soon as may be after same is found to be constructed

in accordance with the specification provided in ((RCW-70-74-0907)) section 9 of this 1969 amendatory act, such department shall determine the amount of explosives that may be kept and stored in such magazine by reference to the quantity and distance tables set forth in RCW 70.74.030, 70.74.050 and section 11 of this 1969 amendatory act, and shall issue a license to the person applying therefor, unless the department shall find that such applicant is not sufficiently experienced in the handling of explosives, lacks suitable facilities therefor, has been convicted of a crime involving moral turpitude, or is disloyal to the United States. Said license shall set forth the maximum quantity of explosives that may be had, kept or stored by said person. Such ~~((certificate-of-compliance))~~ license shall be valid until canceled for one or more of the causes hereinafter provided. Whenever by reason of change in the physical conditions surrounding said magazine at the time of the issuance of the license therefor, such as:

- (a) The erection of buildings nearer said magazine ((7));
- (b) The construction of railroads nearer said magazine ((7));
- ((or))
- (c) The opening for public travel of highways nearer said magazine ((7)); or

(d) The construction of public utilities transmission systems near said magazine; then the amounts of explosives which may be lawfully had, kept or stored in said magazine must be reduced to conform to such changed conditions in accordance with the quantity and distance table notwithstanding the license, and the department of labor and industries shall modify or cancel such license in accordance with the changed conditions. Said license may also be canceled if the department of labor and industries shall find that the applicant is keeping explosives for an unlawful purpose or is disloyal to the United States. Whenever any person to whom a license has been issued, keeps or stores in the magazine or has in his possession, any quantity of explosives in excess of the maximum amount set forth in said

license, or whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due, the department is authorized to cancel such license. Whenever a license is canceled by the department for any cause herein specified, the department shall notify the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice, or, if the cause of cancellation be the failure to pay the annual license fee, or the fact that explosives are kept for an unlawful purpose, or the applicant is disloyal to the United States, the department of labor and industries shall order such person to dispossess himself of said explosives within ten days from the giving of said notice. Failure to remove the explosives stored in said magazine or to disposes oneself of the explosives as herein provided within the time specified in said notice shall constitute a violation of this act ((3)).

Sec. 15. Section 13, chapter 111, Laws of 1931 and RCW 70.74-.140 are each amended to read as follows:

Every person engaging in the business of keeping or storing of explosives, shall pay an annual license fee for each magazine maintained, to be graduated by the department of labor and industries according to the quantity kept or stored therein, of not less than one dollar nor more than ((ten)) fifty dollars. Said license fee shall accompany the application, and be by the department turned over to the state treasurer.

Sec. 16. Section 3, chapter 101, Laws of 1941 and RCW 70.74-.130 are each amended to read as follows:

Every person desiring to engage in the business of dealing in explosives shall apply to the department of labor and industries for a license therefor. Said application shall state, among other things:

- (1) The name and address of applicant;
- (2) The reason for desiring to engage in the business of dealing in explosives;

- (3) Citizenship, if an individual applicant;
- (4) If a partnership, the names and addresses of the partners and their citizenship; ((and))
- (5) If an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and
- (6) Such other pertinent information as the director of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the business of dealing in explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof.

Sec. 17. Section 5, chapter 101, Laws of 1941, and RCW 70.74-.240 are each amended to read as follows:

No dealer shall sell, barter, give or dispose of explosives to any person who does not hold a license to possess explosives issued under the provisions of ~~((chapter 111 of the Laws of 1931, as amended. Any violation of this or RCW 70.74.230 shall constitute a misdemeanor))~~ this 1969 amendatory act.

NEW SECTION. Sec. 18. There is added to chapter 111, Laws of 1931, and chapter 70.74 RCW a new section to read as follows:

All persons desiring to purchase explosives except small arms ammunition and smokeless propellants shall apply to the department of labor and industries for a license. Said application shall state, among other things:

- (1) The location where explosives are to be used;
- (2) The kind and amount of explosives to be used;
- (3) The name and address of the applicant;
- (4) The reason for desiring to use explosives;
- (5) The citizenship of the applicant if the applicant is an

individual;

(6) If the applicant is a partnership, the names and addresses of the partners and their citizenship;

(7) If the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship; and

(8) Such other pertinent information as the director of the department of labor and industries shall require to effectuate the purpose of this 1969 amendatory act.

The department of labor and industries shall issue the license applied for unless the department finds that either the applicant or any of the officers, agents or employees of the applicant are not sufficiently experienced in the use of explosives, lack suitable facilities therefor, have been convicted of a crime involving moral turpitude, or are disloyal to the United States. Said license may be canceled for any cause that would prevent the initial issuance thereof, or for any violation of this act.

Sec. 19. Section 15, chapter 111, Laws of 1931 and RCW 70.74-.160 are each amended to read as follows:

No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any ((~~factory~~)) explosives manufacturing building, magazine or car, vehicle or other common carrier containing explosives in this state.

Sec. 20. Section 16, chapter 111, Laws of 1931 and RCW 70.74-.170 are each amended to read as follows:

No person shall discharge any firearms at or against any magazine or ((~~factory~~)) explosives manufacturing buildings or ignite any flame or flame-producing device nearer than two hundred feet from said magazine or explosives manufacturing building.

Sec. 21. Section 18, chapter 111, Laws of 1931 and RCW 70.74-.180 are each amended to read as follows:

Any person who shall have in his possession or control any shell, bomb or similar device, charged or filled with one or more

explosives, intending to use the same or cause same to be used for an unlawful purpose, shall be deemed guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not less than five years nor more than twenty-five years. (~~The possession or control by any person, of any such device, so charged or filled, shall be deemed prima facie evidence of an intent to use the same, or cause the same to be used, for an unlawful purpose.~~)

Sec. 22. Section 130, chapter 36, Laws of 1917 and RCW 78.40-.491 are each amended to read as follows:

Any person who shall store or keep any (~~powder or ether~~) explosive (~~in a quantity greater than one pound~~) in any (~~occupied~~) inhabited dwelling house or residence, or in any outhouse appertaining thereto, within three hundred feet of any dwelling, shall be guilty of a misdemeanor: PROVIDED, That small arms smokeless propellants in quantities not exceeding twenty-five pounds may be allowed.

Sec. 23. Section 400, chapter 249, Laws of 1909 and RCW 70.74-.270 are each amended to read as follows:

Every person who shall maliciously place any explosive substance or material in, upon, under, against or near any building, car, vessel, railroad track, airplane, public utility transmission system, or structure, in such manner or under such circumstances as to destroy or injure the same if exploded, shall be guilty of a felony, and if the circumstances and surroundings are such that the safety of any person might be endangered by the explosion thereof, shall be punished by imprisonment in the state penitentiary for not more than (~~twenty~~) twenty-five years (~~and in every other case by imprisonment in the state penitentiary for not more than five years~~).

Sec. 24. Section 401, chapter 249, Laws of 1909 and RCW 70.74-.280 are each amended to read as follows:

Every person who shall maliciously, by the explosion of gunpowder or any other explosive substance or material, destroy or damage any building, car, airplane, vessel, common carrier, railroad track,

public utility transmission system or structure, shall be punished as follows:

(1) If thereby the life or safe y of a human being is endangered, by imprisonment in the state penitentiary for not more than twenty years((-));

(2) In every other case by imprisonment in the state penitentiary for not more than five years.

Sec. 25. Section 252, chapter 249, Laws of 1909 and RCW 70.74-.290 are each amended to read as follows:

Every person who shall make or keep any explosive (~~(or-combustible-substance)~~) in any city or village, or carry it through the streets thereof in a quantity, or manner prohibited by law, or by ordinance of such municipality; and every person who, by careless, negligent or unauthorized use or management of any such explosive (~~(or combustible-substance)~~), shall injure or cause injury to the person or property of another, shall be guilty of a gross misdemeanor.

Sec. 26. Section 254, chapter 249, Laws of 1909 and RCW 70.74-.300 are each amended to read as follows:

Every person who shall put up for sale, or who shall deliver to any warehouseman, dock, depot, or common carrier any package, cask or can containing (~~(benzine,-gasoline,-naptha)~~) any explosive, nitroglycerine, dynamite, or powder (~~(or-ether-explosive-or-combustible substance)~~), without having (~~(printed-thereon-in-a-conspicuous-place in-large-letters-the-word-"Explosive")~~) been properly labeled thereon to indicate its explosive classification, shall be guilty of a gross misdemeanor.

Sec. 27. Section 1, chapter 245, Laws of 1927, and RCW 70.74-.310 are each amended to read as follows:

Any person other than a lawfully constituted peace officer of this state who shall deposit, leave, place, spray, scatter, spread or throw in any building, or any place, or who shall counsel, aid, assist, encourage, incite or direct any other person or persons to deposit, leave, place, spray, scatter, spread or throw, in any building or

place, or who shall have in his possession for the purpose of, and with the intent of depositing, leaving, placing, spraying, scattering, spreading or throwing, in any building or place, or of counseling, aiding, assisting, encouraging, inciting or directing any other person or persons to deposit, leave, place, spray, scatter, spread or throw, any stink bomb, stink paint, tear bomb, tear shell, explosive or flame-producing device, or any other device, material, chemical or substance, which, when exploded or opened, or without such exploding or opening, by reason of its offensive and pungent odor, does or will annoy, injure, endanger or inconvenience any person or persons, shall be guilty of a gross misdemeanor: PROVIDED, That this section shall not apply to persons in the military service, actually engaged in the performance of military duties, pursuant to orders from competent authority nor to any property owner or person acting under his authority in providing protection against the commission of a felony.

NEW SECTION. Sec. 28. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

The federal regulations of the United States department of transportation on the transportation of small arms ammunition, of small arms ammunition primers, and of small arms smokeless propellants are hereby adopted in this 1969 amendatory act by reference.

The director of the department of labor and industries has the authority to issue future regulations in accordance with amendments and additions to the federal regulations of the United States department of transportation on the transportation of small arms ammunition, of small arms ammunition primers, and of small arms smokeless propellants.

NEW SECTION. Sec. 29. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Small arms ammunition shall be separated from flammable liquids, flammable solids and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of twenty-five feet.

NEW SECTION. Sec. 30. There is added to chapter 111, Laws of

1931 and to chapter 70.74 RCW a new section to read as follows:

Quantities of small arms smokeless propellant (class B) in shipping containers approved by the federal department of transportation not in excess of fifty pounds may be transported in a private vehicle.

Quantities in excess of twenty-five pounds but not to exceed fifty pounds in a private passenger vehicle shall be transported in an approved magazine as specified by department of labor and industries rules and regulations.

Transportation of quantities in excess of fifty pounds is prohibited in passenger vehicles: PROVIDED, That this requirement shall not apply to duly licensed dealers.

Transportation of quantities in excess of fifty pounds shall be in accordance with federal department of transportation regulations.

Small arms smokeless propellant intended for personal use in quantities not to exceed twenty-five pounds may be stored without restriction in residences; quantities over twenty-five pounds but not to exceed fifty pounds shall be stored in a strong box or cabinet constructed with three-fourths inch plywood (minimum), or equivalent, on all sides, top, and bottom.

Not more than seventy-five pounds of small arms smokeless propellant, in containers of one pound maximum capacity may be displayed in commercial establishments.

Quantities in excess of one hundred fifty pounds shall be stored in magazines constructed as specified in the rules and regulations for construction of magazines, and located in compliance with this 1969 amendatory act.

All small arms smokeless propellant when stored shall be packed in federal department of transportation approved containers.

NEW SECTION. Sec. 31. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

Small arms ammunition primers shall not be transported or stored except in the original shipping container approved by the fed-

eral department of transportation.

Truck or rail transportation of small arms ammunition primers shall be in accordance with the federal regulation of the United States department of transportation.

No more than twenty-five thousand small arms ammunition primers shall be transported in a private passenger vehicle: PROVIDED, That this requirement shall not apply to duly licensed dealers.

Quantities not to exceed ten thousand small arms ammunition primers may be stored in a residence.

Small arms ammunition primers shall be separate from flammable liquids, flammable solids, and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of twenty-five feet.

Not more than seven hundred fifty thousand small arms ammunition primers shall be stored in any one building except as next provided; no more than one hundred thousand shall be stored in any one pile, and piles shall be separated by at least fifteen feet.

Quantities of small arms ammunition primers in excess of seven hundred fifty thousand shall be stored in magazines in accordance with section 9 of this 1969 amendatory act.

NEW SECTION. Sec. 32. The following acts or parts of acts are hereby repealed:

- (1) Section 20, chapter 111, Laws of 1931 and RCW 70.74.190;
- (2) Section 21, chapter 111, Laws of 1931 and RCW 70.74.200;
- (3) Section 6, chapter 111, Laws of 1931 and RCW 70.74.060;
- (4) Section 7, chapter 111, Laws of 1931 and RCW 70.74.070;
- (5) Section 8, chapter 111, Laws of 1931 and RCW 70.74.080;
- (6) Section 9, chapter 111, Laws of 1931 and RCW 70.74.090.

NEW SECTION. Sec. 33. There is added to chapter 111, Laws of 1931 and to chapter 70.74 RCW a new section to read as follows:

If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1969 amendatory act, or the application of the provision to other

persons or circumstances is not affected.

Passed the House March 14, 1969
Passed the Senate April 12, 1969
Approved by the Governor April 22, 1969
Filed in office of Secretary of State April 22, 1969

CHAPTER 138
[House Bill No. 380]
JUVENILE COURTS--COMMITMENT---FINANCIAL
SUPPORT OF CHILD

AN ACT Relating to juvenile courts; and amending section 8, chapter 160, Laws of 1913, as amended by section 7, chapter 302, Laws of 1961, and RCW 13.04.100.

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

Section 1. Section 8, chapter 160, Laws of 1913, as amended by section 7, chapter 302, Laws of 1961, and RCW 13.04.100 are each amended to read as follows:

An order of commitment may be temporary or permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find the child dependent or delinquent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. ~~((In any case where it appears that the parents, guardian, or other person having custody of the child is unable to support the child, or contribute to his support, the court shall give notice of such fact to the department of public assistance, and in all such cases the department shall be given an opportunity to appear and be heard,--In event such child is ordered committed other than to the department of institutions, or the department of public assistance, the court may further order that the department of public assistance~~