

1970 1st ex. sess. (41st Legis. 2nd ex. sess.) Ch. 71, 7:
or methods of irrigating the same. Plats or revisions thereof show-
ing the ((established-farm)) units ((ex-revisions-thereof)) and/or
the legal subdivisions and the exclusive method or methods of irri-
gating such units and/or legal subdivisions or portions thereof when
approved, may be filed by the United States for record with the audi-
tor of the county in which the land is located. Lands in excess of
the acreage in the amount specified by applicable federal law as not
being excess lands held by any one landowner shall be deemed excess
land.

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CHAPTER 72
[Engrossed House Bill No. 293]
EXPLOSIVES

AN ACT Relating to explosives; amending section 1, chapter 111, Laws
of 1931 as amended by section 3, chapter 137, Laws of 1969 ex.
sess. and RCW 70.74.010; amending section 4, chapter 111, Laws
of 1931 and RCW 70.74.040; amending section 18, chapter 137,
Laws of 1969 ex. sess. and RCW 70.74.135; amending section 6,
chapter 137, Laws of 1969 and RCW 70.74.201; amending section
5, chapter 101, Laws of 1941 as amended by section 17, chapter
137, Laws of 1969 ex. sess. and RCW 70.74.240; amending section
30, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.340;
and repealing section 130, chapter 36, Laws of 1917 as last
amended by section 22, chapter 137, Laws of 1969 ex. sess.
and RCW 78.40.491.

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

Section 1. Section 1, chapter 111, Laws of 1931 as amended by
section 3, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.010 are
each amended to read as follows:

As used in this chapter, 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 chapter, 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 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: PROVIDED, That for the purposes of this act small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds and black powder not exceeding five pounds shall not be defined as explosives.

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 exceeding five pounds, blasting caps, and detonating primers.

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

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 term "magazine", 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", 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 any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

The term "explosives manufacturing plant" 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 "explosives manufacturing building", 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" shall be held to mean and include any steam, electric or other railroad which carries passengers for hire.

The term "highway" shall be held to mean and include any public street, public alley or public road.

The term "efficient artificial barricade" 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" shall be held to mean and include 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 "handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds and black powder as used in muzzle loading firearms not exceeding five pounds.

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 KV((A)), 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 and shall include percussion caps as used in muzzle loaders.

The term "smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty

pounds 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. 2. Section 4, chapter 111, Laws of 1931 and RCW 70.74-.040 are each amended to read as follows:

No quantity in excess of three hundred thousand pounds, or ~~((in-the-case-of-blasting-caps-no-number-in-excess-of-twenty-million caps))~~, the equivalent in blasting caps shall be had, kept or stored in any factory building or magazine in this state.

Sec. 3. Section 18, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.135 are each amended to read as follows:

All persons desiring to purchase explosives except ~~((small-arms ammunition-and-smokeless-propellants))~~ handloader components 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 chapter.

The department of labor and industries shall issue the license
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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 chapter.

Sec. 4. Section 5, chapter 101, Laws of 1941 as amended by section 17, chapter 137, Laws of 1969 ex. sess. 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))~~ purchase explosives issued under the provisions of this chapter.

Sec. 5. Section 6, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.201 are each amended to read as follows:

This chapter 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 chapter which is applicable within their respective corporate limits or boundaries: PROVIDED, That the state shall be deemed to have preempted the field of regulation of small arms ammunition and handloader components.

Sec. 6. Section 30, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.340 are each amended 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 the 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
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not apply to duly licensed dealers.

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

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.

Black powder as used in muzzle loading firearms may be transported in a private vehicle or stored without restriction in private residences in quantities not to exceed five pounds.

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

Not more than twenty-five pounds of black powder as used in muzzle loading firearms may be stored in commercial establishments of which not more than four pounds in containers of one pound maximum capacity may be displayed.

Quantities in excess of one hundred fifty pounds of smokeless propellant or twenty-five pounds of black powder as used in muzzle loading firearms shall be stored in magazines constructed as specified in the rules and regulations for construction of magazines, and located in compliance with this chapter.

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

NEW SECTION. Sec. 7. The following acts are each repealed: Section 130, chapter 36, Laws of 1917 as last amended by section 22, chapter 37 *[137], Laws of 1969 ex. sess. and RCW 78.40.491.

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