

CHAPTER 161.

[S. B. 223.]

PROHIBITING SALE OF FIREWORKS.

AN ACT relating to fireworks; defining the term "fireworks"; prohibiting the sale, offering or exposing for sale thereof; regulating the manner of using fireworks; providing for licensing, bonding, and defining offenses and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purposes of this act the term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or articles prepared, designed or intended for the purpose of entertainment, amusement or pyrotechnic display which is manufactured to produce a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, Daygo bombs, toy canes, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance: *Provided, however,* This shall not include toy pistols where the caps used therein do not contain more than .35 grains of explosive mixture in each cap, sparklers of water proof soda straw type and sparklers made by dipping wire into wet sparkler composition, punk sticks of straws with saltpeter punk composition, Silver Falls paper from Silver sparkler composition between two flat pieces of thin paper, and Flashlight firecrackers with open ended tubes, not exceeding 2 inches in length and 7/8 inch outside diameter containing a paper bag with

"Fireworks" defined.

Exceptions.

not more than 8 grains of flash composition and containing no chlorate of potash.

Sale
unlawful.

SEC. 2. It shall be unlawful for any person, firm, co-partnership or corporation or municipality to offer for sale, expose for sale, sell at retail, or use or explode any fireworks except as hereinafter provided.

Permits for
supervised
displays.

SEC. 3. The Chiefs of Police of incorporated cities and towns, and the Sheriff of the county in areas lying outside of incorporated cities and towns, are hereby authorized to issue permits for supervised display of fireworks by any person, firm, co-partnership, corporation or municipality in accordance with the provisions of this act. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of display. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Every such display shall be handled by a competent operator to be approved by the Chief of Police or Sheriff of the city or of the county in which the display is to be held, and shall be of such a character and so located, discharged and fired as in the opinion of the Chief of Police or Sheriff, after proper inspection, shall not be hazardous to property or endanger any person or persons.

Time of
application.

Purpose
limited.

Permit not
transferable.

Approval
required.

Surety bond
required.

SEC. 4. The Chief of Police or Sheriff, as the case may be, before issuing any license, shall require a surety bond deemed adequate and subject to the approval of the officer issuing the permit from the licensee conditioned for the payment of all damages which may be caused either to person or persons or to property by reason of the licensed display and arising from any acts of the licensee, his agents, employees or subcontractors. Said bond shall run to the city, town or county in which said license is issued for the use and benefit of any person, firm,

co-partnership, corporation or municipality having a cause of action against the obligor of said bond under the provisions of this act.

SEC. 5. Nothing in this act shall be construed to prohibit any resident, wholesaler, dealer or jobber to sell at wholesale or retail such fireworks as are not herein expressly prohibited; or sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads, other transportation agencies or other utilities for signal purposes or illumination; or the sale or use of blank cartridges for a show or theater; or for signal or ceremonial purposes in athletics or sports; or for use by military organizations or police agencies. Exceptions.

SEC. 6. The Chief of Police or Sheriff, as the case may be, shall seize, take, remove or cause to be removed, at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this act. Seizure authorized.

SEC. 7. Any person, firm, co-partnership, corporation, association or group of individuals violating the provisions of this act shall be guilty of a misdemeanor. Penalty section.

SEC. 8. If any section, clause or sentence of this act shall be held unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this act. Saving clause.

Passed the Senate February 22, 1943.

Passed the House March 8, 1943.

Approved by the Governor March 19, 1943.