

CHAPTER 228.

[H. B. 195.]

FIREWORKS.

AN ACT relating to fireworks; providing penalties; repealing sections 1 through 11, chapter 174, Laws of 1951 as amended by sections 1 through 4, chapter 34, Laws of 1953 and RCW 70.77.010 through 70.77.110; and declaring an emergency.

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

SECTION 1. The definitions set forth in this chapter shall govern the construction of this chapter, unless the context otherwise requires. Definitions govern construction.

SEC. 2. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, roman candles, daygo bombs, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths grain of explosive compound per cap are used. Nothing herein shall be deemed to prohibit the use of any explosive or flammable compound, blasting caps and similar items used for industrial purposes. "Fireworks" defined.

SEC. 3. "Dangerous fireworks" includes any of the following: "Dangerous fireworks" enumerated.

(1) Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

(2) Firecrackers, salutes, and other explosive articles of similar nature;

- (3) Blank cartridges;
- (4) Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
- (5) Roman candles, including all devices which discharge balls of fire into the air;
- (6) Chasers, including all devices which dart or travel about the surface of the ground during discharge;
- (7) Snakes, boa constrictors and snake nests, containing bichloride of mercury;
- (8) All articles for pyrotechnic display, which contain gunpowder;
- (9) Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;
- (10) Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;
- (11) Toy torpedoes of all kinds;
- (12) All pyrotechnic devices having a side fuse;
- (13) Fire balloons or balloons of any type which have burning material of any kind attached thereto; and
- (14) Such other fireworks as may be designated as dangerous by the state fire marshal.

"Safe and sane fireworks" enumerated.

SEC. 4. "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks" except that in all cases only end fuses may be used and the total pyrotechnic content of any one piece shall not exceed one hundred grams.

"Agricultural and wild life fireworks" enumerated.

SEC. 5. "Agricultural and wild life fireworks" includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both, whenever such fireworks are so classified by the state fire marshal.

SEC. 6. "Class 1 flammable liquid" includes any liquid whose flash point is one hundred degrees Fahrenheit, or less. "Class 1 flammable liquid" includes.

SEC. 7. "Side fuse" means a fuse inserted into a pyrotechnic article or device at a point along its length. "Side fuse" defined.

SEC. 8. "End fuse" means a fuse inserted into any pyrotechnic article or device at the end as distinguished from the side of such device. "End fuse" defined.

SEC. 9. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks. "Public display of fireworks" defined.

SEC. 10. "Fire nuisance" means anything or any act which increases, or any cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or a hindrance to the prevention or extinguishment of fire. "Fire nuisance" defined.

SEC. 11. "License" means a nontransferable formal authorization which the state fire marshal is permitted to issue under this chapter to engage in the branch of pyrotechnics specifically designated therein, whether as an importer, exporter or wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise. "License" defined.

SEC. 12. "Licensee" means any person holding a firework license in conformance with this chapter. "Licensee" defined.

SEC. 13. "Permit" means the official permission granted by the local public agency to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used. "Permit" defined.

“Package” includes.

SEC. 14. “Package” includes any case, container, or receptacle, used for holding fireworks, which is closed, or sealed by tape, cordage, or by any other means.

“Person” includes.

SEC. 15. “Person” includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“Exporter” includes.

SEC. 16. “Exporter” includes any person who sells, consigns or delivers fireworks located within this state for delivery, use, or sale without this state.

“Importer” includes.

SEC. 17. “Importer” includes any person who for any purpose:

- (1) Brings fireworks into this state or causes fireworks to be brought into this state;
- (2) Procures the delivery or receives shipments of any fireworks into this state; or
- (3) Buys or contracts to buy fireworks for shipment into this state.

“Manufacturer” includes.

SEC. 18. “Manufacturer” includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

“Wholesaler” includes.

SEC. 19. “Wholesaler” includes any person, other than an importer, exporter, or manufacturer selling only to wholesalers who sells fireworks to a retailer or any other person for resale and shall also include any person who sells dangerous fireworks to public display permittees.

“Retailer” includes.

SEC. 20. “Retailer” includes any person who, at a fixed location or place of business, sells, transfers, or gives fireworks to a consumer or user.

“Salesman” includes.

SEC. 21. “Salesman” includes any person who, as an employee of a manufacturer or wholesaler,

solicits, accepts, or receives an order for fireworks from a licensee or permittee.

SEC. 22. "Sell" or "transfer" includes contracts or orders for sales or transfers.

"Sell" or "transfer" includes.

SEC. 23. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of dangerous fireworks.

"Pyrotechnic operator" includes.

SEC. 24. "Within this state" means within all territory within the boundaries of this state.

"Within this state" defined.

SEC. 25. "Without this state" means all territory without the boundaries of this state.

"Without this state" defined.

SEC. 26. "The State Fire Marshal's Seal of Registration" means the seal of registration of the state fire marshal and consists of a series of concentric circles lettered as follows:

"Fire marshal's seal of registration" defined.

Outer circle

upper half: "Registered"

lower half: "Fireworks"

Inner circle

upper half: "State of Washington"

lower half: "State Fire Marshal"

In the center shall appear a facsimile of the official state tree, the western hemlock:

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the state fire marshal to any registered classified fireworks manufacturer, importer, wholesaler, retailer, or other person or device governed by this chapter.

SEC. 27. The state fire marshal shall enforce and administer this chapter and shall have the following powers and duties:

Enforcement — Fire marshal's powers and duties.

(1) He shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter;

(2) He may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of permits for, and the presentation of, public displays of fireworks;

(3) He may adopt reasonable regulations providing for:

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

The provisions of this subsection do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles by the department of defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the department of defense for the development or production of rockets or missiles.

(4) Subject to such restrictions as are deemed necessary he may exempt from the provisions of this chapter specific pyrotechnic items for commercial, industrial, and agricultural uses.

SEC. 28. No person, without securing a permit, shall do any of the following:

(1) Manufacture, import, export, possess, or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;

(2) Discharge dangerous fireworks at any place;

(3) Make a public display of fireworks;

(4) Transport fireworks, except as a public carrier.

Acts unlawful without permit, enumerated.

SEC. 29. Any adult person or other group desiring to do any act mentioned in section 28 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the state fire marshal or his appropriate deputy. Applications for permits for public display of fireworks shall be made in writing at least ten days in advance of the proposed display.

Application for permit, when.

SEC. 30. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county.

Investigating officer's report.

SEC. 31. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

Power of decision on permit application.

SEC. 32. A permit shall not be issued unless the person applying for the permit has first obtained a license from the state fire marshal, as provided in this chapter, to do the particular act or acts described in the permit.

Grant of permit subject to licensing.

SEC. 33. It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Public display of fireworks—Investigation of application.

SEC. 34. The applicant for a permit for a public display of fireworks shall at the time of application

Public display of fireworks—Requisites for permit—Bond.

submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state. He shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate of insurance evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved.

Public display
of fireworks—
Permit con-
ditioned.

SEC. 35. If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

Public display
of fireworks—
Minimum
bond,
insurance.

SEC. 36. In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond shall be not less than ten thousand dollars, and the amount of such insurance shall be not less than twenty thousand dollars.

Fireworks
generally.
Grant of per-
mit subject to
licensing.

SEC. 37. No permit shall be granted under this chapter for any activity unless the person applying for the permit has obtained a valid license, if a license is required under this chapter for such activity.

Issue, renewal
of licenses in
state fire
marshal.

SEC. 38. The state fire marshal shall have the power to issue and renew licenses for the manufacture, importation, exportation, sale, use and transportation of all fireworks in this state.

Activities not
subject to
licensing.

SEC. 39. No license shall be required for the sale at retail or for the use and discharge of agricultural and wild life fireworks.

SEC. 40. Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall first make a written verified application to the state fire marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Application—
—Fee.

SEC. 41. The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application—
Signatories.

SEC. 42. Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter.

Application
for renewal—
Fee.

SEC. 43. If the state fire marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Standard for
issuance of
permit.

SEC. 44. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the state fire marshal.

Permit
coverage.

SEC. 45. The original and annual renewal license fee shall be as follows:

License fees
enumerated.

Manufacturer	\$ 500.00
Importer and/or exporter ...	100.00
Wholesaler	1,000.00
Retailer (for each separate retail outlet)	10.00

Public display for dangerous fireworks	10.00
Pyrotechnic operator for dangerous fireworks	5.00

Terms of license.

SEC. 46. Beginning January 1, 1962, the original and annual renewal license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof.

Penalty license fee.

SEC. 47. A penalty fee equal to fifty percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1st.

Public display of fireworks—General license—Bond.

SEC. 48. Notwithstanding any of the other provisions of this chapter relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or copartnership may secure a general license for the public display of fireworks within the state of Washington subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in section 34 of this chapter, a surety bond similarly conditioned in the amount of twenty-five thousand dollars or a certificate evidencing public liability insurance in a like amount shall be filed with the state fire marshal. The state fire marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which he may adopt, not inconsistent with the provisions of this chapter. A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof.

Refusing, not renewing, license, grounds.

SEC. 49. If the state fire marshal finds that the granting or renewing of a license would be contrary

to the public safety or welfare, he may deny the application for a license or a renewal of a license.

SEC. 50. A written report of the state fire marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

Reports as grounds for refusing, not renewing license.

SEC. 51. Any applicant who has been denied a license or a renewal of a license shall be entitled to a hearing in accordance with the provisions of chapter 48.04 RCW.

Denial of license—Hearing.

SEC. 52. The state fire marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he finds that:

Revocation of license—Grounds.

(1) A licensee has failed to pay the original and annual renewal license fee provided in this chapter;

(2) The licensee has violated any provisions of this chapter or any rule or regulations made by the state fire marshal under and with the authority of this chapter;

(3) The licensee has created or caused a fire nuisance;

(4) Any licensee has failed or refused to file any required reports; or

(5) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the state fire marshal in refusing originally to issue such license.

SEC. 53. All fireworks, before being imported, exported, sold or offered for sale, shall be classified by the state fire marshal, in accordance with the pro-

Fireworks to be classified.

visions of this chapter, as being either dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Fireworks to be classified and registered—Procedure.

SEC. 54. No fireworks items shall be sold, offered for sale, discharged, or transported within the state without first having been classified and registered by the state fire marshal. Any licensee desiring to have safe and sane fireworks articles classified and registered by the state fire marshal shall submit to his office not less than three live samples of each item for which classification is desired together with a notarized chemical analysis of the materials of such samples. Each item must be labeled as for sale and distribution together with firing instructions. Every fireworks article which has not been submitted for classification or which does not bear the classification label of the state fire marshal shall be considered to be dangerous fireworks. All shipments shall be prepaid. Classification shall be limited to the products of licensed manufacturers excepting only fireworks articles classified by this chapter as dangerous fireworks intended and used for public fireworks displays which may be classified for licensed manufacturers, importers and/or wholesalers.

Fireworks to be labeled.

SEC. 55. The manufacturer, importer or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned or delivered within this state for sale or use within this state as "dangerous fireworks". Each package of safe and sane fireworks shall be marked as "safe and sane fireworks" and shall bear the state fire marshal's classification label and license number.

Safe and sane fireworks sold, when.

SEC. 56. No safe and sane fireworks shall be sold or offered for sale at retail within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year.

SEC. 57. No safe and sane fireworks shall be sold or offered for sale at retail unless the fuses or other igniting devices are protected by approved protective caps or each item or group of items is enclosed or sealed in a package bearing the state fire marshal's seal of registration upon which the wholesaler's license number appears.

Igniting devices to be protected.

SEC. 58. Toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap is used may be sold at all times unless prohibited by local ordinance.

Devices using paper caps may be sold, when.

SEC. 59. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

Public displays of fireworks to be safe.

SEC. 60. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the state fire marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area.

Public displays of fireworks, supervision.

SEC. 61. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made, or to the state fire marshal, or to such authorized deputy as may be designated for such purpose at least ten days prior to the date of the proposed storage. If there is no chief of the fire department or chief fire prevention officer in the area, it shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such stor-

Storage of fireworks, permit — Procedure to obtain.

age as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Storage facilities for fireworks to be approved.

SEC. 62. It shall be unlawful for any person to store unsold stocks of safe and sane fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of safe and sane fireworks remaining after the authorized retail sales period from twelve o'clock noon on June 28th to twelve o'clock noon on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district, or to a place approved by the state fire marshal.

Sale upon forfeiture of license.

SEC. 63. Following the revocation or voluntary surrender of, or failure to renew his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the state fire marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Fireworks subject to seizure.

SEC. 64. Any fireworks not bearing the seal of approval of the state fire marshal which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the state fire marshal shall be subject to seizure by the state fire marshal or any deputy state fire marshal. Any fireworks seized under this section may be disposed of by the state fire marshal by summary destruc-

tion at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of section 65, whichever is later.

SEC. 65. Any person whose fireworks are seized under the provisions of section 64 may within ten days after such seizure petition the state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the state fire marshal shall be served upon the petitioner. The state fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the state fire marshal.

Fireworks
subject to
seizure—Ap-
peal for
return,
procedure.

SEC. 66. The state fire marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the state fire marshal.

Confiscation
of auto con-
taining fire-
works.

In the event that the state fire marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under RCW 46.52.110, and the keeper of any garage in which any such vehicle is

Garage lien
for towing,
storage.

stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle.

On the expiration of notice given, unclaimed vehicles shall be sold pursuant to RCW 46.52.110 and the proceeds disposed of as provided therein.

Inspection of books and premises authorized.

SEC. 67. The state fire marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the state fire marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Record of licensees to be available.

SEC. 68. All licensees shall maintain and make available to the state fire marshal full and complete records showing all production, imports, exports, purchases, sales and consumption of fireworks items by kind and class whether dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Required records of licensees, when deemed made.

SEC. 69. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the state fire marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Additional reports authorized.

SEC. 70. In addition to any other reports required under this chapter, the state fire marshal may, by rule or otherwise, require additional, other, or sup-

plemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

SEC. 71. Each bill of lading, manifest, and invoice issued to cover sales or shipments of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

Records to bear license numbers.

SEC. 72. The sale, transportation, possession, or discharge of unclassified fireworks is prohibited.

Unclassified fireworks prohibited.

SEC. 73. The transfer of dangerous fireworks ownership whether by sale at wholesale or retail, by gift or other means of conveyance of title or the delivery of any dangerous fireworks to any person in the state who does not possess and present to the seller for inspection at the time of transfer a valid license and permit, where such permit is required to purchase, possess, transport, or use dangerous fireworks, is prohibited.

Dangerous fireworks transactions prohibited.

SEC. 74. The unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter shall be a misdemeanor.

Fireworks possession, misdemeanor.

SEC. 75. Possession of fireworks unmarked with the manufacturer's license number and the state fire marshal's classification as required by this chapter shall be prima facie evidence of a violation of this chapter.

Fireworks possession as evidence of violation.

SEC. 76. Nothing in this chapter shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the supervisor of forestry or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Forest fire restrictions.

Permissible deliveries of fireworks enumerated.

SEC. 77. No person shall transport, convey, or deliver any dangerous fireworks or agricultural and wild life fireworks except for licensed permittees making delivery to:

- (1) Other licensed permittees;
- (2) Locations of public displays of fireworks authorized under this part;
- (3) Distributors outside this state; or
- (4) Agricultural or wild life permittees.

Fireworks not to be in garages.

SEC. 78. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other class 1 flammable liquids are stored or dispensed or where more than four motor vehicles are stored.

Transfer only to fireworks permittee.

SEC. 79. No person shall sell or transfer any dangerous fireworks to any person who is not a fireworks permittee as provided for by this chapter.

Transfer only at fixed place of business.

SEC. 80. No person shall sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued.

Fire nuisance restrictions.

SEC. 81. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist.

Permissible licensee actions.

SEC. 82. This chapter does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this chapter, from:

- (1) Manufacturing or selling any kind of fireworks for direct shipment out of this state;
- (2) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder;
- (3) Selling blank cartridges for use by persons for bona fide ceremonial purposes, athletic, sports events, or military ceremonials or demonstrations; or

(4) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

SEC. 83. This chapter does not prohibit the use of torpedoes, flares, or fusees by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

Certain uses exempt under chapter.

SEC. 84. This chapter does not prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks.

Theatrical productions exempt from chapter if permit obtained.

SEC. 85. Any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

General penalty.

SEC. 86. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter.

Separate offense each day violation continues.

SEC. 87. This chapter shall be known and may be cited as the state fireworks law.

Short title.

SEC. 88. A local public agency shall not charge more than ten dollars as a permit fee for any one year.

Maximum permit fee.

SEC. 89. The rules and regulations adopted by the state fire marshal relating to fireworks and in existence on the effective date of this chapter shall continue thereafter to be in effect as rules and

Rules and regulations continued.

regulations of the state fire marshal until amended or repealed pursuant to the provisions of this chapter.

Effective date.

SEC. 90. This act shall take effect on January 1, 1962.

Severability.

SEC. 91. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 92. Sections 1 through 11, chapter 174, Laws of 1951 as amended by sections 1 through 4, chapter 34, Laws of 1953 and RCW 70.77.010 through 70.77-.110 are each repealed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 229.

[H. B. 371.]

STATE COLLEGES AND UNIVERSITIES— CONSTRUCTION—BONDS.

AN ACT relating to state institutions of higher learning; amending sections 1 and 2, chapter 91, Laws of 1925 extraordinary session and section 4, chapter 66, Laws of 1915 as last amended by section 1, chapter 24, Laws of 1933 extraordinary session, sections 1 and 2, chapter 64, Laws of 1947 and section 1, chapter 17, Laws of 1950 extraordinary session, and RCW 28.76.180, 28.76.190, 28.76.200 and 28.76.210; and adding new sections to chapter 28.76 RCW.

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

SECTION 1. Sections 1 and 2, chapter 91, Laws of 1925 extraordinary session and section 4, chapter 66, Laws of 1915 as last amended by section 1, chapter 24, Laws of 1933 extraordinary session, sections 1 and 2, chapter 64, Laws of 1947 and section 1, chapter 17, Laws of 1950 extraordinary session (heretofore