

NEW SECTION. Sec. 9. In the event of a challenge to a member or members of a decision-making body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

NEW SECTION. Sec. 10. Nothing in this chapter prohibits the restriction or elimination of the appearance of fairness doctrine by the appellate courts. Nothing in this chapter may be construed to expand the appearance of fairness doctrine.

NEW SECTION. Sec. 11. Nothing in this chapter prohibits challenges to local land use decisions where actual violations of an individual's right to a fair hearing can be demonstrated.

NEW SECTION. Sec. 12. 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.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1982.

Passed the Senate March 8, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

CHAPTER 230

[Substitute House Bill No. 1149]

STATE FIREWORKS LAW

AN ACT Relating to fireworks; amending section 9, chapter 228, Laws of 1961 and RCW 70.77.160; amending section 11, chapter 228, Laws of 1961 and RCW 70.77.170; amending section 13, chapter 228, Laws of 1961 and RCW 70.77.180; amending section 19, chapter 228, Laws of 1961 and RCW 70.77.210; amending section 20, chapter 228, Laws of 1961 and RCW 70.77.215; amending section 23, chapter 228, Laws of 1961 and RCW 70.77.230; amending section 27, chapter 228, Laws of 1961 and RCW 70.77.250; amending section 28, chapter 228, Laws of 1961 and RCW 70.77.255; amending section 29, chapter 228, Laws of 1961 and RCW 70.77.260; amending section 34, chapter 228, Laws of 1961 and RCW 70.77.285; amending section 36, chapter 228, Laws of 1961 and RCW 70.77.295; amending section 38, chapter 228, Laws of 1961 and RCW 70.77.305; amending section 40, chapter 228, Laws of 1961 and RCW 70.77.315; amending section 42,

chapter 228, Laws of 1961 and RCW 70.77.325; amending section 43, chapter 228, Laws of 1961 and RCW 70.77.330; amending section 44, chapter 228, Laws of 1961 and RCW 70.77.335; amending section 45, chapter 228, Laws of 1961 and RCW 70.77.340; amending section 46, chapter 228, Laws of 1961 and RCW 70.77.345; amending section 48, chapter 228, Laws of 1961 and RCW 70.77.355; amending section 49, chapter 228, Laws of 1961 and RCW 70.77.360; amending section 50, chapter 228, Laws of 1961 and RCW 70.77.365; amending section 51, chapter 228, Laws of 1961 and RCW 70.77.370; amending section 52, chapter 228, Laws of 1961 and RCW 70.77.375; amending section 56, chapter 228, Laws of 1961 and RCW 70.77.395; amending section 58, chapter 228, Laws of 1961 and RCW 70.77.405; amending section 60, chapter 228, Laws of 1961 and RCW 70.77.415; amending section 61, chapter 228, Laws of 1961 and RCW 70.77.420; amending section 62, chapter 228, Laws of 1961 and RCW 70.77.425; amending section 63, chapter 228, Laws of 1961 and RCW 70.77.430; amending section 64, chapter 228, Laws of 1961 and RCW 70.77.435; amending section 68, chapter 228, Laws of 1961 and RCW 70.77.455; amending section 73, chapter 228, Laws of 1961 and RCW 70.77.480; amending section 79, chapter 228, Laws of 1961 and RCW 70.77.510; amending section 80, chapter 228, Laws of 1961 and RCW 70.77.515; amending section 82, chapter 228, Laws of 1961 and RCW 70.77.525; amending section 84, chapter 228, Laws of 1961 and RCW 70.77.535; amending section 88, chapter 228, Laws of 1961 and RCW 70.77.555; adding new sections to chapter 70.77 RCW; repealing section 2, chapter 228, Laws of 1961 and RCW 70.77.125; repealing section 3, chapter 228, Laws of 1961 and RCW 70.77.130; repealing section 4, chapter 228, Laws of 1961 and RCW 70.77.135; repealing section 5, chapter 228, Laws of 1961 and RCW 70.77.140; repealing section 6, chapter 228, Laws of 1961 and RCW 70.77.145; repealing section 7, chapter 228, Laws of 1961 and RCW 70.77.150; repealing section 8, chapter 228, Laws of 1961 and RCW 70.77.155; repealing section 14, chapter 228, Laws of 1961 and RCW 70.77.185; repealing section 16, chapter 228, Laws of 1961 and RCW 70.77.195; repealing section 21, chapter 228, Laws of 1961 and RCW 70.77.220; repealing section 22, chapter 228, Laws of 1961 and RCW 70.77.225; repealing section 24, chapter 228, Laws of 1961 and RCW 70.77.235; repealing section 25, chapter 228, Laws of 1961 and RCW 70.77.240; repealing section 26, chapter 228, Laws of 1961 and RCW 70.77.245; repealing section 32, chapter 228, Laws of 1961 and RCW 70.77.275; repealing section 37, chapter 228, Laws of 1961 and RCW 70.77.300; repealing section 39, chapter 228, Laws of 1961 and RCW 70.77.310; repealing section 47, chapter 228, Laws of 1961 and RCW 70.77.350; repealing section 53, chapter 228, Laws of 1961 and RCW 70.77.380; repealing section 54, chapter 228, Laws of 1961 and RCW 70.77.385; repealing section 55, chapter 228, Laws of 1961 and RCW 70.77.390; repealing section 57, chapter 228, Laws of 1961 and RCW 70.77.400; repealing section 66, chapter 228, Laws of 1961 and RCW 70.77.445; repealing section 71, chapter 228, Laws of 1961 and RCW 70.77.470; repealing section 72, chapter 228, Laws of 1961 and RCW 70.77.475; repealing section 75, chapter 228, Laws of 1961 and RCW 70.77.490; repealing section 77, chapter 228, Laws of 1961 and RCW 70.77.500; repealing section 78, chapter 228, Laws of 1961 and RCW 70.77.505; repealing section 89, chapter 228, Laws of 1961 and RCW 70.77.560; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 70.77 RCW a new section to read as follows:

"Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States bureau of explosives or contained in the regulations of the United States department of transportation.

NEW SECTION. Sec. 2. There is added to chapter 70.77 RCW a new section to read as follows:

"Special fireworks" includes any fireworks designed primarily for exhibition display which produce visible or audible effects by combustion, deflagration, or detonation.

NEW SECTION. Sec. 3. There is added to chapter 70.77 RCW a new section to read as follows:

"Common fireworks" includes any fireworks which are designed primarily for sale at retail to the public during prescribed dates and which produce visible or audible effects through combustion.

NEW SECTION. Sec. 4. There is added to chapter 70.77 RCW a new section to read as follows:

"Agricultural and wildlife fireworks" includes fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States department of the interior.

NEW SECTION. Sec. 5. There is added to chapter 70.77 RCW a new section to read as follows:

"Pyrotechnics" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere, and designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of a motion picture, radio or television production, theatrical, or opera.

Sec. 6. Section 9, chapter 228, Laws of 1961 and RCW 70.77.160 are each amended to read as follows:

"Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of (~~dangerous~~) special fireworks.

Sec. 7. Section 11, chapter 228, Laws of 1961 and RCW 70.77.170 are each amended to read as follows:

"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~~) act specifically designated therein(~~, whether as an importer, exporter or wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise~~).

Sec. 8. Section 13, chapter 228, Laws of 1961 and RCW 70.77.180 are each amended to read as follows:

"Permit" means the official permission granted by the local public agency (~~to a licensee~~) for the purpose(~~s~~) of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.

Sec. 9. Section 19, chapter 228, Laws of 1961 and RCW 70.77.210 are each amended to read as follows:

"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)~~) special fireworks to public display (~~(permittees)~~) licensees.

Sec. 10. Section 20, chapter 228, Laws of 1961 and RCW 70.77.215 are each amended to read as follows:

"Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user.

Sec. 11. Section 23, chapter 228, Laws of 1961 and RCW 70.77.230 are each amended to read as follows:

"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)~~) special fireworks.

Sec. 12. Section 27, chapter 228, Laws of 1961 and RCW 70.77.250 are each amended to read as follows:

The state fire marshal shall enforce and administer this chapter and shall have the following 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)~~) licenses 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)~~ He is vested with the necessary police powers to enforce the criminal provisions of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 70.77 RCW a new section to read as follows:

No fireworks may be sold or offered for sale to the public as common fireworks which are classified as sky rockets or missile-type rockets as defined by the United States department of transportation and the federal consumer products safety commission unless the state fire marshal has approved the type of firework so classified.

Sec. 14. Section 28, chapter 228, Laws of 1961 and RCW 70.77.255 are each amended to read as follows:

No person, without securing a ~~((permit))~~ license, 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))~~ special fireworks at any place;

(3) Make a public display of fireworks; or

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

Sec. 15. Section 29, chapter 228, Laws of 1961 and RCW 70.77.260 are each amended to read as follows:

Any adult person or other group desiring to do any act mentioned in RCW 70.77.255 shall ~~((first))~~ also 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.

Sec. 16. Section 34, chapter 228, Laws of 1961 and RCW 70.77.285 are each amended to read as follows:

The applicant for a permit for a public display of fireworks shall at the time of application ~~((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.

Sec. 17. Section 36, chapter 228, Laws of 1961 and RCW 70.77.295 are each amended to read as follows:

In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond or certificate of insurance shall be not less than ~~((ten))~~ fifty thousand dollars ~~((, and the amount of such insurance shall be))~~ and one million dollars for bodily injury liability for each person and event, respectively, and not less than twenty-five thousand dollars for property damage liability for each event.

Sec. 18. Section 38, chapter 228, Laws of 1961 and RCW 70.77.305 are each amended to read as follows:

The state fire marshal ~~((shall have))~~ has the power to issue ~~((and re-new))~~ licenses for the manufacture, importation, ~~((exportation;))~~ sale, and use ~~((and transportation))~~ of all fireworks in this state.

NEW SECTION. Sec. 19. There is added to chapter 70.77 RCW a new section to read as follows:

No license is required for the sale of common fireworks to religious organizations for ceremonial uses or to private organizations or persons for specific uses, when approved by the local fire official, or for the sale and use of agricultural and wildlife fireworks if the agricultural and wildlife fireworks are distributed to farmers, ranchers, or growers through a wildlife management program administered by the United States department of the interior and if the distribution is in response to a written application describing the wildlife management problem that requires use of the devices, it is of no greater quantity than necessary to control the described problem, and it is limited to situations where other means of control are unavailable or inadequate.

Sec. 20. Section 40, chapter 228, Laws of 1961 and RCW 70.77.315 are each amended to read as follows:

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.

Sec. 21. Section 42, chapter 228, Laws of 1961 and RCW 70.77.325 are each amended to read as follows:

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.

Sec. 22. Section 43, chapter 228, Laws of 1961 and RCW 70.77.330 are each amended to read as follows:

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.

Sec. 23. Section 44, chapter 228, Laws of 1961 and RCW 70.77.335 are each amended to read as follows:

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))~~).

Sec. 24. Section 45, chapter 228, Laws of 1961 and RCW 70.77.340 are each amended to read as follows:

The original and annual (~~(renewal)~~) license fee shall be as follows:

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))) <u>special</u> fireworks	10.00
Pyrotechnic operator for (((dangerous))) <u>spe-</u> <u>cial</u> fireworks	5.00

Sec. 25. Section 46, chapter 228, Laws of 1961 and RCW 70.77.345 are each amended to read as follows:

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

Sec. 26. Section 48, chapter 228, Laws of 1961 and RCW 70.77.355 are each amended to read as follows:

(1) 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 RCW 70.77.285 and 70.77.295, 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 bond or certificate of insurance shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the state fire marshal; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) 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.

Sec. 27. Section 49, chapter 228, Laws of 1961 and RCW 70.77.360 are each amended to read as follows:

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. 28. Section 50, chapter 228, Laws of 1961 and RCW 70.77.365 are each amended to read as follows:

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))~~.

Sec. 29. Section 51, chapter 228, Laws of 1961 and RCW 70.77.370 are each amended to read as follows:

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

Sec. 30. Section 52, chapter 228, Laws of 1961 and RCW 70.77.375 are each amended to read as follows:

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

(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)))~~ (2) The licensee has created or caused a fire nuisance;

~~((4)))~~ (3) Any licensee has failed or refused to file any required reports; or

~~((5)))~~ (4) 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. 31. Section 56, chapter 228, Laws of 1961 and RCW 70.77.395 are each amended to read as follows:

No ~~((safe and sane))~~ common fireworks shall be sold or ~~((offered for sale at retail))~~ discharged 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. 32. Section 58, chapter 228, Laws of 1961 and RCW 70.77.405 are each amended to read as follows:

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)~~) and trick or novelty devices not classified as common fireworks may be sold at all times unless prohibited by local ordinance.

Sec. 33. Section 60, chapter 228, Laws of 1961 and RCW 70.77.415 are each amended to read as follows:

Every public display of fireworks shall be handled or supervised by a (~~(competent and experienced)~~) licensed 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)~~).

Sec. 34. Section 61, chapter 228, Laws of 1961 and RCW 70.77.420 are each amended to read as follows:

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 storage 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.

Sec. 35. Section 62, chapter 228, Laws of 1961 and RCW 70.77.425 are each amended to read as follows:

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)~~).

Sec. 36. Section 63, chapter 228, Laws of 1961 and RCW 70.77.430 are each amended to read as follows:

Following the revocation or (~~voluntary surrender of, or failure to re-new~~) expiration of 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.

Sec. 37. Section 64, chapter 228, Laws of 1961 and RCW 70.77.435 are each amended to read as follows:

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 destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later.

Sec. 38. Section 68, chapter 228, Laws of 1961 and RCW 70.77.455 are each amended to read as follows:

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~~).

Sec. 39. Section 73, chapter 228, Laws of 1961 and RCW 70.77.480 are each amended to read as follows:

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

Sec. 40. Section 79, chapter 228, Laws of 1961 and RCW 70.77.510 are each amended to read as follows:

No person shall sell or transfer any (~~dangerous~~) special fireworks to any person who is not a fireworks (~~permittee~~) licensee as provided for by this chapter.

Sec. 41. Section 80, chapter 228, Laws of 1961 and RCW 70.77.515 are each amended to read as follows:

No person shall sell or transfer any (~~(safe and sane)~~) common 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.

Sec. 42. Section 82, chapter 228, Laws of 1961 and RCW 70.77.525 are each amended to read as follows:

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 ceremonies or demonstrations; or~~

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

Sec. 43. Section 84, chapter 228, Laws of 1961 and RCW 70.77.535 are each amended to read as follows:

This chapter does not prohibit the assembling, compounding, use, and display of (~~(fireworks)~~) pyrotechnics of whatever nature by any person engaged in the production of motion pictures, radio or television productions, 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)~~) from the local fire authority.

Sec. 44. Section 88, chapter 228, Laws of 1961 and RCW 70.77.555 are each amended to read as follows:

A local public agency (~~(shall not charge more than ten dollars as)~~) may provide by ordinance for a permit fee in an amount sufficient to cover legitimate administrative costs for permit processing and inspection, but in no case to exceed one hundred dollars for any one year.

NEW SECTION. Sec. 45. 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.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 228, Laws of 1961 and RCW 70.77.125;
- (2) Section 3, chapter 228, Laws of 1961 and RCW 70.77.130;
- (3) Section 4, chapter 228, Laws of 1961 and RCW 70.77.135;
- (4) Section 5, chapter 228, Laws of 1961 and RCW 70.77.140;

- (5) Section 6, chapter 228, Laws of 1961 and RCW 70.77.145;
- (6) Section 7, chapter 228, Laws of 1961 and RCW 70.77.150;
- (7) Section 8, chapter 228, Laws of 1961 and RCW 70.77.155;
- (8) Section 14, chapter 228, Laws of 1961 and RCW 70.77.185;
- (9) Section 16, chapter 228, Laws of 1961 and RCW 70.77.195;
- (10) Section 21, chapter 228, Laws of 1961 and RCW 70.77.220;
- (11) Section 22, chapter 228, Laws of 1961 and RCW 70.77.225;
- (12) Section 24, chapter 228, Laws of 1961 and RCW 70.77.235;
- (13) Section 25, chapter 228, Laws of 1961 and RCW 70.77.240;
- (14) Section 26, chapter 228, Laws of 1961 and RCW 70.77.245;
- (15) Section 32, chapter 228, Laws of 1961 and RCW 70.77.275;
- (16) Section 37, chapter 228, Laws of 1961 and RCW 70.77.300;
- (17) Section 39, chapter 228, Laws of 1961 and RCW 70.77.310;
- (18) Section 47, chapter 228, Laws of 1961 and RCW 70.77.350;
- (19) Section 53, chapter 228, Laws of 1961 and RCW 70.77.380;
- (20) Section 54, chapter 228, Laws of 1961 and RCW 70.77.385;
- (21) Section 55, chapter 228, Laws of 1961 and RCW 70.77.390;
- (22) Section 57, chapter 228, Laws of 1961 and RCW 70.77.400;
- (23) Section 66, chapter 228, Laws of 1961 and RCW 70.77.445;
- (24) Section 71, chapter 228, Laws of 1961 and RCW 70.77.470;
- (25) Section 72, chapter 228, Laws of 1961 and RCW 70.77.475;
- (26) Section 75, chapter 228, Laws of 1961 and RCW 70.77.490;
- (27) Section 77, chapter 228, Laws of 1961 and RCW 70.77.500;
- (28) Section 78, chapter 228, Laws of 1961 and RCW 70.77.505; and
- (29) Section 89, chapter 228, Laws of 1961 and RCW 70.77.560.

NEW SECTION. Sec. 47. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 11, 1982.

Passed the Senate March 10, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

CHAPTER 231

[Substitute Senate Bill No. 3617]

SCHOOL DISTRICTS—ASSOCIATED STUDENT BODY FUND USE

AN ACT Relating to the associated student body program fund; amending section 2, chapter 284, Laws of 1975 1st ex. sess. as amended by section 1, chapter 160, Laws of 1977 ex. sess. and RCW 28A.58.120; and creating a new section.

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