

---

**SUBSTITUTE HOUSE BILL 2387**

---

**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Public Safety (originally sponsored by Representative S. Hunt)

1 AN ACT Relating to flamethrowing devices; adding a new section to  
2 chapter 43.43 RCW; adding a new chapter to Title 70 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires  
7 otherwise.

8 (1) "Director of fire protection" means the director of fire  
9 protection appointed under RCW 43.43.938.

10 (2) "Flamethrowing device" means any nonstationary and  
11 transportable device designed or intended to emit or propel a burning  
12 stream of combustible or flammable liquid a distance of at least ten  
13 feet. "Flamethrowing device" does not include any drip torch,  
14 helitorch, fusee, plastic sphere dispenser, or other hand-held  
15 device, ground-mounted device, or aerial-mounted device with a flame  
16 of less than three feet used to ignite fuels on the ground for  
17 prescribed agriculture or wildland fire applications.

18 (3) "Permitholder" means a person who holds a flamethrowing  
19 device permit issued by the director of fire protection pursuant to  
20 this chapter.

1        NEW SECTION.    **Sec. 2.**    Except as provided in section 3 of this  
2 act, a person may not use or possess a flamethrowing device without a  
3 valid flamethrowing device permit issued by the director of fire  
4 protection. A violation of this section is a gross misdemeanor  
5 punishable according to chapter 9A.20 RCW.

6        NEW SECTION.    **Sec. 3.**    This chapter does not apply to the sale,  
7 purchase, possession, transportation, storage, or use of a  
8 flamethrowing device by a person if all of the following apply:

9        (1) The person is regularly employed by or a paid officer or  
10 employee of a fire department, fire protection district, or  
11 firefighting agency of the federal government, the state, a city or  
12 county, a municipal corporation, or other political subdivision of  
13 the state;

14        (2) The person is on duty and acting within the course and scope  
15 of the person's employment; and

16        (3) The flamethrowing device is used in the course of fire  
17 suppression.

18        NEW SECTION.    **Sec. 4.**    The director of fire protection:

19        (1) Must establish by rule standards for the issuance and renewal  
20 of flamethrowing device permits, including background investigation  
21 requirements. At a minimum, the standards must require that:

22        (a) The applicant or permitholder is not addicted to any  
23 controlled substance; and

24        (b) The applicant or permitholder is not prohibited from  
25 possessing a firearm under state or federal law;

26        (2) Must establish by rule standards for the use, storage, and  
27 transportation of flamethrowing devices; and

28        (3) May designate by rule fees for flamethrowing device permits  
29 and permit renewals at the level necessary to cover the costs of  
30 administering and enforcing the permit program.

31        NEW SECTION.    **Sec. 5.**    (1) The director of fire protection shall  
32 revoke a flamethrowing device permit if the permitholder does not  
33 comply with the requirements of this chapter and the rules adopted  
34 pursuant to this chapter.

35        (2) If the director of fire protection denies an application or  
36 renewal application for a flamethrowing device permit, or revokes a

1 flamethrowing device permit, the applicant or permit holder is  
2 entitled to an administrative hearing pursuant to chapter 34.05 RCW.

3 NEW SECTION. **Sec. 6.** The director of fire protection must seize  
4 any flamethrowing device found in the possession of a person who does  
5 not have a valid flamethrowing device permit issued pursuant to this  
6 chapter and who is not otherwise authorized to possess a  
7 flamethrowing device under section 3 of this act.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.43  
9 RCW to read as follows:

10 The director of fire protection shall adopt rules and carry out  
11 other requirements related to flamethrowing devices as designated  
12 under chapter 70.--- RCW (the new chapter created in section 8 of  
13 this act).

14 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act  
15 constitute a new chapter in Title 70 RCW.

--- END ---