

SECOND REGULAR SESSION

HOUSE BILL NO. 2271

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES COOPER (Sponsor), POLLOCK AND WALLACE (Co-sponsors).

5072L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 319.306, 319.309, 319.315, 319.318, and 319.327, RSMo, and to enact in lieu thereof five new sections relating to blasting, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 319.306, 319.309, 319.315, 319.318, and 319.327, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 319.306, 319.309,
3 319.315, 319.318, and 319.327, to read as follows:

319.306. 1. Any individual who uses explosives in Missouri shall obtain a blaster's
2 license, except those exempted in subsection 18 of this section. A person using explosives shall
3 not be required to hold a blaster's license, but all blasting on behalf of a person using explosives
4 shall be performed only by licensed blasters. Applications for a blaster's license or renewal of
5 a blaster's license shall be on a form designated by the Missouri division of fire safety, and shall
6 contain the following:

- 7 (1) The applicant's full name;
- 8 (2) The applicant's home address;
- 9 (3) The applicant's date of birth;
- 10 (4) The applicant's sex;
- 11 (5) The applicant's physical description;
- 12 (6) The applicant's driver's license number;
- 13 (7) The applicant's current place of employment;
- 14 (8) A listing of any other blasting license or certification held by the applicant, to include
15 the name, address, and phone number of the regulatory authority that issued the license or
16 certification;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (9) Any other information required to fulfill the obligations of sections 319.300 to
18 319.345.

19 2. Any individual who has met the qualifications set forth in subsection 4 of this section
20 may apply for a blaster's license.

21 3. An applicant for a blaster's license shall submit an application fee and two copies of
22 the applicant's photograph with the application submitted to the division of fire safety. The
23 amount of such fee shall be established by rule promulgated by the division of fire safety. The
24 fee established by rule shall be no greater than the cost of administering this section, but shall
25 not exceed one hundred dollars.

26 4. An applicant for a blaster's license shall:

27 (1) Be at least twenty-one years of age;

28 (2) Not have willfully violated any provisions of sections 319.300 to 319.345;

29 (3) Not have knowingly withheld information or has not made any false or fictitious
30 statement intended or likely to deceive in connection with the application;

31 (4) Have familiarity and understanding of relevant federal and state laws relating to
32 explosives materials;

33 (5) Not have been convicted in any court of, or pled guilty to, a felony;

34 (6) Not be a fugitive from justice;

35 (7) Not be an unlawful user of any controlled substance in violation of chapter 195,
36 RSMo;

37 (8) Except as provided in subsections 11 and 13 of this section, have completed an
38 approved blaster's training course that meets the requirements of subsection 14 of this section
39 and [has] **have** successfully passed the licensing examination under the provisions of
40 subdivisions (1) to (5) of subsection 15 of this section;

41 (9) Have accumulated at least one thousand hours of experience directly relating to the
42 use of explosives within two years immediately prior to applying for a blaster's license and shall
43 provide signed documentation from an employer, supervisor, or other responsible party verifying
44 the applicant's experience;

45 (10) Not have been adjudicated as mentally defective; and

46 (11) Not advocate or knowingly belong to any organization or group that advocates
47 violent action against any federal, state, or local government, or against any person.

48 5. Any individual holding a blaster's license under the provisions of this section shall
49 promptly notify the division of fire safety if he or she has had any change of material fact relating
50 to any qualification for holding a blaster's license.

51 6. If the division of fire safety finds that the requirements for a blaster's license have been
52 satisfied, a license shall be issued to the applicant.

53 7. A blaster's license shall expire three years from the date of issuance. To qualify for
54 a renewal of a blaster's license, an individual will be required to provide documentation of
55 completing eight hours of training in an explosives-related course of instruction that is approved
56 by the division of fire safety, at least half of which shall have been completed within the year
57 prior to renewal. The remainder of such training for renewal of the license may be acquired at
58 any time during the three-year period that a license is valid. Additional training beyond an
59 accumulated eight hours during any three-year period is not valid for more than one subsequent
60 renewal of the license.

61 8. Each license issued under the provisions of this section shall provide documentation
62 to the license holder in the form of a letter or letter-sized certificate and a card that is
63 approximately two inches by three inches in size. Each shall specify a unique license number,
64 the name of the individual, his or her driver's license number, the individual's photograph, the
65 blaster's license's effective date and its expiration date, and any other record-keeping information
66 needed by the division of fire safety. In addition, the card form of the license shall contain a
67 photographic image of the license holder.

68 9. Each individual required to have a blaster's license shall keep at least one form of
69 license documentation on his or her person or at the site of blasting and shall provide
70 documentation that he or she has a currently valid license to a representative of the division of
71 fire safety upon a written or verbal request. No enforcement action shall be taken against any
72 individual that cannot comply with such a request so long as the division of fire safety's records
73 provide documentation that the individual has a valid blaster's license.

74 10. (1) A blaster's license issued under the provisions of this section may be suspended
75 or revoked by the division of fire safety upon substantial proof that the individual holding the
76 license has:

77 (a) Knowingly failed to monitor the use of explosives as provided in section 319.309;

78 (b) Negligently or habitually exceeded the limits established under section 319.312;

79 (c) Knowingly or habitually failed to create a record of blasts as required by section
80 319.315;

81 (d) Had a change in material fact relating to their qualifications for holding a blaster's
82 license as described in subsection 4 of this section;

83 (e) Failed to advise the division of fire safety of any change of material fact relating to
84 his or her qualifications for holding a blaster's license; [or]

85 (f) Knowingly made a material misrepresentation of any information by any means of
86 false pretense, deception, fraud, misrepresentation, or cheating for the purpose of obtaining
87 training or otherwise meeting the qualifications of obtaining a license; **or**

88 (g) **Knowingly violated any rule promulgated under section 319.327.**

89 (2) The division of fire safety shall provide any notice of suspension or revocation, as
90 provided in subdivision (1) of this subsection, in writing, sent by certified mail to the last known
91 address of the holder of the license.

92 The notice may also be verbal, but this does not eliminate the requirement for written notice.
93 Upon receipt of a verbal or written notice of suspension or revocation from the division of fire
94 safety, the individual holding the license shall immediately surrender all copies of the license to
95 a representative of the division of fire safety and shall immediately cease all blasting activity.

96 (3) The individual holding the license may appeal any suspension or revocation to the
97 state blasting safety board established under section 319.324 within forty-five days of the date
98 written notice was received. The division of fire safety shall immediately notify the chairman
99 of the board that an appeal has been received and a hearing before the board shall be held.

100 The board shall consider and make a decision on any appeal received by the division of fire
101 safety within thirty days of the date the appeal is received by the division of fire safety. The
102 board shall make a decision on the appeal by majority vote of the board and shall immediately
103 notify the licensee of its decision in writing. The written statement of the board's decision shall
104 be prepared by the division of fire safety or its designee and shall be approved by the chairman
105 of the board. The approved statement of the board's decision shall be sent by certified mail to
106 the last known address of the holder of the license.

107 11. Any individual whose license has been expired for a period of three years or less
108 shall be required to successfully pass the examination as provided in subdivisions (1) to (5) of
109 subsection 15 of this section and attend the eight hours of training required for renewal of a
110 license as minimum qualifications for submitting an application for reinstatement of the license.
111 Any individual whose license has been expired for a period of more than three years shall meet
112 the qualifications set forth in subsection 4 of this section, including completing twenty hours of
113 training and passing the examination, prior to applying for a blaster's license.

114 12. A license may be granted to applicants who [within the last three years have held]
115 **at the time of application, hold** a valid license or certification from any other source if all of
116 the qualifications for obtaining the license or certification meet or exceed the provisions of this
117 section. It is the duty of the division of fire safety to investigate the qualifications required for
118 obtaining a license or certification from any other source. Licenses or certification held prior to
119 the effective date of the rule required by subsection 19 of this section shall be deemed to meet
120 requirements for this subsection, provided that they meet requirements of the rule.

121 13. A license may be granted upon the application of an individual employed as a blaster
122 on or before December 31, 2000, and who has accumulated one thousand hours of training or
123 education pertaining to blasting and experience working for a specific person using explosives
124 within two years immediately prior to applying for a license. The application shall include a

125 statement of hours of experience in the form of an affidavit signed by the person using explosives
126 who has employed or contracted with the blaster for the preceding two years. Such applicant
127 also shall meet the requirement of subdivisions (1), (2), (3), (4), (5), (6), (7), (10), and (11) of
128 subsection 4 of this section. Any individual granted a license under this subsection shall be
129 limited to blasting performed for the person using explosives submitting the affidavit required
130 by this subsection. Such licensee shall meet the requirements for continuing training required
131 by subsection 7 of this section.

132 14. (1) The division of fire safety or its authorized agent shall offer annually at least two
133 courses of instruction that fulfill the training requirement of qualifying for a blaster's license and
134 two courses that fulfill the training requirement for renewal of a blaster's license. In addition,
135 any person may apply to the division of fire safety for approval of a course of instruction that
136 meets the training requirement of obtaining a blaster's license or renewal of a blaster's license.
137 The application shall include a description of the qualifications of the instructor, a description
138 of instructional materials to be used in the course, and an outline of the subject matter to be
139 taught, including minimum hours of instruction on each topic. The division of fire safety shall
140 review the application regarding the knowledge and experience of proposed instructors, the total
141 hours of training and the adequacy of proposed training in subject matter with regard to the
142 provisions of sections 319.300 to 319.345. If the division of fire safety determines that training
143 proposed by the applicant is adequate, a letter of approval shall be issued to the applicant. The
144 letter of approval shall be effective for a period of three years. If at any time the division of fire
145 safety determines that an approved training course no longer meets the standards of this section,
146 the letter of approval may be revoked with written notice. The division of fire safety or any
147 person providing a course of instruction may charge an appropriate fee to recover the cost of
148 conducting such instruction.

149 (2) To be approved by the division of fire safety, a blaster's training course shall contain
150 at least twenty hours of instruction to prepare attendees for obtaining a blaster's license the first
151 time, or eight hours of instruction to prepare attendees for obtaining a license renewal.

152 (3) Any person providing training in a course of instruction approved by the division of
153 fire safety shall submit a list of individuals that attended any such course to the division of fire
154 safety within ten business days after completion of the course.

155 (4) The division of fire safety shall maintain a current list of persons who provide
156 approved training and shall make this list available by any reasonable means to professional and
157 trade associations, labor organizations, universities, vocational schools, and others upon request.

158 15. (1) The division of fire safety shall approve a standard examination or examinations
159 for the purpose of qualifying an individual to obtain a blaster's license. Each individual taking
160 the examination shall pay a fee to the division of fire safety, or the division's agent, that is

161 established by rule. Testing fees shall be no greater than what is required to administer the
162 testing provisions of this section and shall not exceed fifty dollars per test.

163 (2) Except as provided in subsection 11 of this section, no individual shall be allowed
164 to take an examination for purposes of obtaining a blaster's license unless that individual has
165 completed a training course approved by the division of fire safety. The individual must have
166 completed an approved course of instruction as provided in subdivision (1) of subsection 14 of
167 this section no longer than two years prior to taking the examination. The examination may be
168 administered by any person approved to provide a course of instruction, as provided in
169 subdivision (1) of subsection 14 of this section, at the site of instruction, provided that any such
170 examination may, at the discretion of the state fire marshal, be conducted under the supervision
171 of the division of fire safety. The division of fire safety may also administer such examinations
172 at other times and locations.

173 (3) Standards for passing the examination shall be set by the division of fire safety by
174 rule.

175 (4) The division of fire safety or its authorized agent shall provide a written statement
176 within thirty days to the individual taking the examination as to whether that individual passed
177 or failed.

178 (5) Any individual failing to pass the examination may retake the examination within
179 six months without having to complete an additional approved course of instruction. If the
180 individual fails the second examination, the person must complete another course of instruction
181 as required in subdivision (1) of subsection 14 of this section before taking the examination
182 again. No limit will be placed on how many times any individual may take the examination,
183 subject to the provisions of this subdivision .

184 (6) Individuals having previously taken an approved blaster's training course, and passed
185 an approved examination, and having taken an approved blaster's renewal training course, or that
186 have obtained a blaster's license as provided in subsections 12 and 13 of this section are eligible
187 for renewal of a blaster's license after meeting the requirements of subsection 7 of this section.
188 The fee for renewal of a license shall be the same as the fee specified in subsection 3 of this
189 section.

190 16. No individual shall load or fire explosives or direct, order, or otherwise cause any
191 individual to load or fire explosives in this state unless that individual has a valid blaster's license
192 or is under the direct supervision and responsibility of an individual having a valid blaster's
193 license. For purposes of this section, "direct supervision" means the supervisor is physically
194 present on the same job site as the individual who is loading or firing explosives. An individual
195 without a blaster's license who is loading or firing explosives while under the direct supervision

196 and responsibility of someone having a blaster's license shall not be in violation of sections
197 319.300 to 319.345.

198 17. Persons found guilty of loading or firing explosives, or directing, ordering, or
199 otherwise causing any individual to load or fire explosives in this state without having a valid
200 blaster's license, or that loads and fires explosives without being under the direct supervision and
201 responsibility of an individual holding a blaster's license as provided in sections 319.300 to
202 319.345, shall be guilty of a class B misdemeanor for the first offense or a class A misdemeanor
203 for a second or subsequent offense. Any individual convicted of a class A misdemeanor under
204 the provisions of sections 319.300 to 319.345 shall be permanently prohibited from obtaining
205 a blaster's license in this state.

206 18. The requirement for obtaining a blaster's license shall not apply to:

207 (1) Individuals employed by universities, colleges, or trade schools when the use of
208 explosives is confined to instruction or research;

209 (2) Individuals using explosive materials in the forms prescribed by the official U.S.
210 Pharmacopoeia or the National Formulary and used in medicines and medicinal agents;

211 (3) Individuals conducting training or emergency operations of any federal, state, or local
212 government including all departments, agencies, and divisions thereof, provided they are acting
213 in their official capacity and in the proper performance of their duties or functions;

214 (4) Individuals that are members of the armed forces or any military unit of Missouri or
215 the United States who are using explosives while on official training exercises or who are on
216 active duty;

217 (5) Individuals using pyrotechnics, commonly known as fireworks, including signaling
218 devices such as flares, fuses, and torpedoes;

219 (6) Individuals using small arms ammunition and components thereof which are subject
220 to the Gun Control Act of 1968, 18 U.S.C. Section 44, and regulations promulgated thereunder;

221 (7) Any individual performing duties in underground mines regulated by 30 CFR Part
222 48, Subpart A, 30 CFR Part 57, or performing duties in coal mining regulated by 30 CFR Part
223 75, and 30 CFR Part 77 of the Code of Federal Regulations, as amended, or using explosives
224 within an industrial furnace;

225 (8) Any individual having a valid blaster's license or certificate issued under the
226 provisions of any requirement of the U.S. government in which the requirements for obtaining
227 the license or certificate meet or exceed the requirements of sections 319.300 to 319.345;

228 (9) Individuals using agricultural fertilizers when used for agricultural or horticultural
229 purposes;

230 (10) Individuals handling explosives while in the act of transporting them from one
231 location to another;

232 (11) Individuals assisting or training under the direct supervision of a licensed blaster;

233 (12) Individuals handling explosives while engaged in the process of explosives
234 manufacturing;

235 (13) Employees, agents, or contractors of rural electric cooperatives organized or
236 operating under chapter 394, RSMo; [and]

237 (14) Individuals discharging historic firearms and cannon or reproductions of historic
238 firearms and cannon; **and**

239 **(15) Individuals using explosive materials along with a well screen cleaning device**
240 **for the purpose of unblocking clogged screens of agricultural irrigation wells.**

241 19. The division of fire safety shall promulgate rules under this section to become
242 effective no later than July 1, 2008. Any individual loading or firing explosives after the
243 effective date of such rule shall obtain a license within one hundred eighty days of the effective
244 date of such rule. Any experience or training prior to the effective date of such rule that meets
245 the standards established by the rule shall be deemed to comply with this section.

319.309. 1. Any person using explosives in the state of Missouri shall calculate the
2 scaled distance to the nearest uncontrolled structure. If more than one uncontrolled structure is
3 the same approximate distance from the blast site, then the person using explosives may select
4 one representative structure for calculation of scaled distance.

5 2. For the purposes of this section, the term "uncontrolled structure" shall not apply to
6 the following:

7 (1) Buildings in a state of disrepair or neglect which are not being used as a permanent
8 residence;

9 (2) Noncommercial storage sheds;

10 (3) Temporary structures;

11 (4) Any unoccupied mobile recreational vehicle, trailer, or camper;

12 (5) Agricultural barns, storage sheds, and animal shelters;

13 (6) Any building on mine property that is owned by the mine operator or contained on
14 property leased by the mine operator.

15 3. In any instance when the scaled distance value is fifty-five or less, any person using
16 explosives, except as provided in section 319.321, shall use at least one seismograph calibrated
17 to the manufacturer's standard for use to record the ground vibration and acoustic levels that
18 occur from the use of such explosives or explosive materials. When measuring ground vibration
19 and acoustic levels, the seismograph shall be placed in the proximity of the nearest uncontrolled
20 structure or, at the option of the person using explosives, closer to the blast site. If more than one
21 uncontrolled structure is the same approximate distance from the blast site, then the person using
22 explosives may select one representative structure for placement of the seismograph.

23 [4. Any person using explosives who is voluntarily using a seismograph calibrated to the
24 manufacturer's standard for use for all blasting is exempt from the requirements of this section.]

2 319.315. 1. Seismograph recordings of the ground vibration and acoustic levels created
2 by the use of explosives, when required by section 319.309, shall be retained for at least three
3 years. Such recordings shall be made available to the division of fire safety within twenty-four
4 hours of a request by any representative of the division of fire safety. Each seismograph
5 recording and the accompanying records shall include the:

- 6 (1) Maximum ground vibration and acoustics levels recorded;
- 7 (2) Specific location of the seismograph equipment, its distance from the detonation of
8 the explosives, the date of the recording, and the time of the recording;
- 9 (3) Name of the individual responsible for operation of the seismograph equipment and
10 performing an analysis of each recording; and
- 11 (4) Type of seismograph instrument, its sensitivity and calibration signal or certification
12 date of the last calibration.

13 2. [When seismograph recordings of the use of explosives are required by section
14 319.309, a record of each such use of explosives shall be made and retained for at least three
15 years. The record shall be completed by the end of the business day following the day in which
16 the explosives were detonated. Such records shall be made available to the division of fire
17 safety, upon request, within twenty-four hours of the request. Each record shall include the:

- 18 (1) Name of the person using the explosives;
- 19 (2) Location, date, and time of the detonation;
- 20 (3) Name of the licensed blaster responsible for use of the explosives;
- 21 (4) Type of material blasted;
- 22 (5) Number of bore holes, burden, and spacing;
- 23 (6) Diameter and depth of bore holes;
- 24 (7) Type of explosives used;
- 25 (8) Weight of explosives used per bore hole and total weight of explosives used;
- 26 (9) Maximum weight of explosives detonated within any eight millisecond period;
- 27 (10) Maximum number of bore holes or decks detonated within any eight millisecond
28 period;
- 29 (11) Initiation system, including number of circuits and the timer interval, if a sequential
30 timer is used;
- 31 (12) Type and length of stemming;
- 32 (13) Type of detonator and delay periods used, in milliseconds;
- 33 (14) Sketch of delay pattern, including decking;

34 (15) Distance and scaled distance, if required under the provisions of 319.309, to the
35 nearest uncontrolled structure;

36 (16) Location of the nearest uncontrolled structure, using the best available information.

37 3. If the type of blasting being recorded by a seismograph does not involve bore holes,
38 then the record required in subsection 2 of this section shall contain the:

39 (1) Name of the person using the explosives;

40 (2) Location, date, and time of the detonation;

41 (3) Name of the licensed blaster responsible for use of the explosives;

42 (4) Type of material blasted;

43 (5) Type of explosives used;

44 (6) Weight of explosives used per shot and total weight of explosives used;

45 (7) Maximum weight of explosives detonated within any eight millisecond period;

46 (8) Initiation system, including number of circuits and the timer interval, if a sequential
47 timer is used;

48 (9) Type of detonator and delay periods used, in milliseconds;

49 (10) Sketch of delay pattern;

50 (11) Distance and scaled distance, if required under the provisions of section 319.309,
51 to the nearest uncontrolled structure;

52 (12) Location of the nearest uncontrolled structure, using the best available information.

53 4.] It shall be the duty of each licensed blaster and each person using explosives to assure
54 that the requirements of this section are met. Any person using explosives shall provide properly
55 calibrated seismographic equipment at the closest practical proximity to the nearest uncontrolled
56 structure, or at the option of the person using explosives the seismograph equipment may be
57 located nearer to the blast site on an approximate line between the nearest uncontrolled structure
58 and the blast site. Licensed blasters shall create the record required in subsections 2 and 3 of
59 [this] section **319.318** and provide such record to the person using explosives, who shall be
60 responsible for maintaining records required in this section.

319.318. 1. Any person using explosives shall comply with the provisions of this
2 section.

3 2. **A record of each use of explosives shall be made and retained for at least three**
4 **years. The record shall be completed by the end of the business day following the day in**
5 **which the explosives were detonated. Such records shall be made available to the division**
6 **of fire safety, upon request, within twenty-four hours of the request. Each record shall**
7 **include the:**

8 (1) **Name of the person using the explosives;**

9 (2) **Location, date, and time of the detonation;**

- 10 **(3) Name of the licensed blaster responsible for use of the explosives;**
11 **(4) Type of material blasted;**
12 **(5) Number of bore holes, burden, and spacing;**
13 **(6) Diameter and depth of bore holes;**
14 **(7) Type of explosives used;**
15 **(8) Weight of explosives used per bore hole and total weight of explosives used;**
16 **(9) Maximum weight of explosives detonated within any eight millisecond period;**
17 **(10) Maximum number of bore holes or decks detonated within any eight**
18 **millisecond period;**
19 **(11) Initiation system, including number of circuits and the timer interval, if a**
20 **sequential timer is used;**
21 **(12) Type of stemming;**
22 **(13) Type of detonator and delay periods used, in milliseconds;**
23 **(14) Sketch of delay pattern, including decking;**
24 **(15) Distance and scaled distance, if required under the provisions of section**
25 **319.309, to the nearest uncontrolled structure;**
26 **(16) Location of the nearest uncontrolled structure, using the best available**
27 **information.**
- 28 **3. If the type of blasting being conducted does not involve bore holes, then the**
29 **record required in subsection 2 of this section shall contain the:**
- 30 **(1) Name of the person using the explosives;**
31 **(2) Location, date, and time of the detonation;**
32 **(3) Name of the licensed blaster responsible for use of the explosives;**
33 **(4) Type of material blasted;**
34 **(5) Type of explosives used;**
35 **(6) Weight of explosives used per shot and total weight of explosives used;**
36 **(7) Maximum weight of explosives detonated within any eight millisecond period;**
37 **(8) Initiation system, including number of circuits and the timer interval, if a**
38 **sequential timer is used;**
39 **(9) Type of detonator and delay periods used, in milliseconds;**
40 **(10) Sketch of delay pattern;**
41 **(11) Distance and scaled distance, if required under the provisions of section**
42 **319.309 to the nearest uncontrolled structure;**
43 **(12) Location of the nearest uncontrolled structure, using the best available**
44 **information.**

45 **4.** Provisions of federal law and regulation regarding the manufacturing, transportation,
46 distribution, and storage of explosives shall be enforced by the appropriate federal agency and
47 shall not be subject to enforcement under sections 319.300 to 319.345.

48 [3.] **5.** Within sixty days after August 28, 2007, each person using explosives or
49 intending to use explosives in Missouri shall register with the division of fire safety. Any person
50 using explosives who is not required to register [on the effective date] **within sixty days after**
51 **August 28, 2007**, who subsequently uses explosives in Missouri shall register with the division
52 of fire safety prior to first using explosives in Missouri. The initial registration shall state the
53 name of the person, address, telephone number, facsimile number, e-mail address, and name of
54 the principal individual having responsibility for supervision of the use of explosives. A fee of
55 two hundred dollars shall be submitted with the initial registration.

56 [4.] **6.** Each person using explosives that is required to register under subsection [3] **5**
57 of this section shall by January thirty-first of each year after registering file an annual report with
58 the division of fire safety for the preceding calendar year:

59 (1) The initial annual report shall only include that portion of the preceding calendar year
60 after the date the person became subject to the requirement to register under subsection [3] **5** of
61 this section;

62 (2) The report shall include:

63 (a) Any change or addition to the information required in subsection [3] **5** of this section;

64 (b) The name and address of the distributors from which explosives were purchased;

65 (c) The total number of pounds of explosives purchased for use in Missouri and the total
66 number of pounds actually used in Missouri during the period covered by the report. Persons
67 required to report annually shall maintain records sufficient to prove the accuracy of the
68 information reported;

69 (3) The person using explosives shall submit with the annual report a fee per ton, as
70 established under this section, based on the amount of explosives used in Missouri. If the report
71 of total pounds used results in a portion of a ton, the cumulative total of the fee shall be rounded
72 to the nearest ton. The fee shall be five hundred dollars plus one dollar and fifteen cents per ton
73 of explosives used. The fee per ton authorized under this subdivision may be adjusted by rule
74 provided the fee shall not exceed two dollars per ton. The state blasting safety board shall review
75 the fee schedule on a biennial basis and approve or disapprove adjustments in fees by rule.

76 [5.] **7.** (1) The division of fire safety may audit the records of any person using
77 explosives required to report annually under subsection [4] **6** of this section to determine the
78 accuracy of the number of pounds of explosives reported. In connection with such audit, the
79 division of fire safety may also require any distributor of explosives to provide a statement of
80 sales during the year to persons required to report under subsection [4] **6** of this section.

81 (2) It shall be a violation of sections 319.300 to 319.345 to fail to register or report as
82 required by subsection [3] 5 of this section or knowingly report false information in the reports
83 required under subsections [3] 5 and [4] 6 of this section. The state fire marshal may issue a
84 notice of violation under section 319.333 for failure to register or report or for knowingly
85 reporting false information in the reports required by subsections [3] 5 and [4] 6 of this section.
86 The notice of violation shall be subject to the same procedures and rights of appeal as established
87 in sections 319.324, 319.327, and 319.333.

88 (3) Any person who fails to register or report or who knowingly reports false information
89 in the reports required under subsections [3] 5 and [4] 6 of this section shall be subject to a civil
90 penalty not exceeding two thousand dollars for the first offense or a penalty not exceeding five
91 thousand dollars for a second or subsequent offense. Fees for use of explosives not reported
92 shall also be paid.

93 [6.] 8. It shall be a violation of sections 319.300 to 319.345 for any person using
94 explosives to:

95 (1) Engage in blasting other than by a licensed blaster or an individual working under
96 the direct supervision of a licensed blaster;

97 (2) Fail to calculate the scaled distance, conduct monitoring of vibration and noise levels,
98 and conduct record keeping as required by sections 319.300 to 319.345;

99 (3) Fail to carry a minimum of one million dollars in commercial general liability
100 insurance **covering lawful blasting**.

101 [7.] 9. The state fire marshal may issue a notice of violation for any violation of
102 subsection [6] 8 of this section which shall be subject to the same procedures and rights of appeal
103 as established in sections 319.324, 319.327, and 319.333.

104 [8.] 10. A violation of subsection [6] 8 of this section shall be subject to a civil penalty
105 not exceeding two thousand dollars for the first offense or a penalty not exceeding five thousand
106 dollars for a second or subsequent offense.

319.327. 1. It shall be the duty of the division of fire safety to:

2 (1) Develop and distribute all forms, certificates, and printed material necessary for
3 carrying out duties relating to applications, registrations, training, testing, and licensing required
4 by sections 319.300 to 319.345;

5 (2) Publish, distribute, and administer an examination that tests the knowledge of
6 applicants for a blaster's license in the safe and proper use of explosives. The examination may
7 be given to applicants by representatives of the division of fire safety, by persons approved by
8 the division of fire safety to provide training under section 319.306, or by other persons
9 designated by the division of fire safety;

10 (3) Upon approval by majority vote of the state blasting safety board, promulgate any
11 rule necessary for carrying out the purposes of sections 319.300 to 319.345. No rule
12 promulgated by the state fire marshal shall [duplicate,] amend, supersede, or conflict with the
13 provisions of any statute, regulation, or policy established by:

14 (a) The U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and
15 Explosives;

16 (b) Chapter 40 of Title 18 of the United States Code, as amended;

17 (c) The U.S. Department of Transportation;

18 (d) The federal Mine Safety and Health Administration; or

19 (e) The federal Occupational Safety and Health Administration;

20 (4) Investigate possible violations of sections 319.300 to 319.345 upon the complaint
21 of any citizen that believes explosives are being used in such a way to endanger the public's
22 safety or property, or upon any cause for the state fire marshal to believe that a violation is
23 occurring. To conduct such investigations, the state fire marshal shall assign adequately trained
24 personnel within the division of fire safety to inspect blasting sites, examine records and
25 seismograph recordings, inspect blaster's licenses, inspect registration and reporting records
26 required by section 319.315, or determine if any other provision of sections 319.300 to 319.345
27 has been violated. Such inspectors shall be employees of the division of fire safety and may act
28 on a full-time or part-time basis. Any such inspector shall meet the requirements of section
29 319.306 for being licensed as a blaster in the state of Missouri;

30 (5) Receive and provide information and assistance, in cooperation with local
31 governments, federal agencies, and agencies of other states, in administration and enforcement
32 of sections 319.300 to 319.345 and similar laws, regulations, and requirements in other
33 jurisdictions.

34 2. The division of fire safety may enforce any provision of sections 319.300 to 319.345
35 by referral of violations to the attorney general or a prosecuting attorney and may seek criminal
36 penalties, civil penalties, and may seek injunctive relief as authorized by sections 319.300 to
37 319.345. Any violation of sections 319.300 to 319.345, other than loading or firing explosives
38 in violation of subsection 16 of section 319.306 which shall be subject to penalties under such
39 section, shall be subject to a civil penalty not exceeding two thousand dollars for the first offense
40 or a penalty not exceeding five thousand dollars for a second or subsequent offense. For any
41 matter upon which a hearing is held under subdivision (3) of subsection 7 of section 319.324,
42 any referral of a notice of violation or request for enforcement action shall be made by the state
43 fire marshal to the attorney general or a prosecuting attorney, only upon a majority vote by the
44 board.

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