

FIRST REGULAR SESSION

# HOUSE BILL NO. 571

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ENGLER.

1310H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to fees for explosives use.

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

Section A. Section 319.318, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 319.318, to read as follows:

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

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

6 3. Within sixty days after August 28, 2007, each person using explosives or intending  
7 to use explosives in Missouri shall register with the division of fire safety. Any person using  
8 explosives who is not required to register on the effective date, who subsequently uses explosives  
9 in Missouri shall register with the division of fire safety prior to first using explosives in  
10 Missouri. The initial registration shall state the name of the person, address, telephone number,  
11 facsimile number, email address, and name of the principal individual having responsibility for  
12 supervision of the use of explosives. A fee of two hundred dollars shall be submitted with the  
13 initial registration.

14 4. Each person using explosives that is required to register under subsection 3 of this  
15 section shall by January thirty-first of each year after registering file an annual report with the  
16 division of fire safety for the preceding calendar year:

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 (1) The initial annual report shall only include that portion of the preceding calendar year  
18 after the date the person became subject to the requirement to register under subsection 3 of this  
19 section;

20 (2) The report shall include:

21 (a) Any change or addition to the information required in subsection 3 of this section;

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

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

27 (3) The person using explosives shall submit with the annual report a fee per ton, as  
28 established under this section, based on the amount of explosives used in Missouri. If the report  
29 of total pounds used results in a portion of a ton, the cumulative total of the fee shall be rounded  
30 to the nearest ton. The fee shall be five hundred dollars plus one dollar and fifteen cents per ton  
31 of explosives used. The fee per ton authorized under this subdivision may be adjusted by rule  
32 provided the fee shall not exceed ~~two~~ **seven dollars and fifty cents** per ton. The state blasting  
33 safety board shall review the fee schedule on a biennial basis and approve or disapprove  
34 adjustments in fees by rule. **The fee established by rule shall be no greater than the cost of**  
35 **administering this section.**

36 5. (1) The division of fire safety may audit the records of any person using explosives  
37 required to report annually under subsection 4 of this section to determine the accuracy of the  
38 number of pounds of explosives reported. In connection with such audit, the division of fire  
39 safety may also require any distributor of explosives to provide a statement of sales during the  
40 year to persons required to report under subsection 4 of this section.

41 (2) It shall be a violation of sections 319.300 to 319.345 to fail to register or report as  
42 required by subsection 3 of this section or knowingly report false information in the reports  
43 required under subsections 3 and 4 of this section. The state fire marshal may issue a notice of  
44 violation under section 319.333 for failure to register or report or for knowingly reporting false  
45 information in the reports required by subsections 3 and 4 of this section. The notice of violation  
46 shall be subject to the same procedures and rights of appeal as established in sections 319.324,  
47 319.327, and 319.333.

48 (3) Any person who fails to register or report or who knowingly reports false information  
49 in the reports required under subsections 3 and 4 of this section shall be subject to a civil penalty  
50 not exceeding two thousand dollars for the first offense or a penalty not exceeding five thousand  
51 dollars for a second or subsequent offense. Fees for use of explosives not reported shall also be  
52 paid.

53           6. It shall be a violation of sections 319.300 to 319.345 for any person using explosives  
54 to:

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

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

59           (3) Fail to carry a minimum of one million dollars in commercial general liability  
60 insurance.

61           7. The state fire marshal may issue a notice of violation for any violation of subsection  
62 6 of this section which shall be subject to the same procedures and rights of appeal as established  
63 in sections 319.324, 319.327, and 319.333.

64           8. A violation of subsection 6 of this section shall be subject to a civil penalty not  
65 exceeding two thousand dollars for the first offense or a penalty not exceeding five thousand  
66 dollars for a second or subsequent offense.

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