
By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER 128

1 AN ACT concerning

2 **State Fire Marshal - Issuance of Explosives Licenses and Blaster's Permits -**
3 **Criminal History Records Checks**

4 FOR the purpose of ~~authorizing~~ requiring the State Fire Marshal to require criminal
5 history records checks before issuing certain licenses or a blaster's permit;
6 specifying certain procedures and fees to obtain criminal history records checks
7 for applicants for certain licenses or a blaster's permit; requiring the State Fire
8 Marshal to deny a certain application under certain circumstances; clarifying
9 the application procedure for certain licenses and for a blaster's permit;
10 repealing a provision requiring an applicant for a certain license to submit the
11 application to the local licensing authority; authorizing the State Fire Marshal
12 to collect certain fees; clarifying the weight of explosives allowed for each
13 license; repealing a certain provision requiring return of application fees;
14 making stylistic changes; and generally relating to applications for issuance of
15 explosives licenses and blaster's permits by the State Fire Marshal.

16 BY repealing and reenacting, with amendments,
17 Article - Public Safety
18 Section 11-104(d), 11-106, and 11-107
19 Annotated Code of Maryland
20 (As enacted by Chapter ___ (S.B. 1) of the Acts of the General Assembly of 2003)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Public Safety**

2 11-104.

- 3 (d) The State Fire Marshal may collect a fee of \$20 for[:
- 4 (1)] inspection of the vehicle of an explosive hauler[; and
- 5 (2) a blaster's certificate].

6 11-106.

7 (a) (1) An applicant for a license to engage in business as a manufacturer or
8 dealer, to possess explosives other than explosives for use in firearms, or to possess
9 explosives for use in firearms, AND AN APPLICANT FOR A BLASTER'S PERMIT shall:

10 (I) submit an application TO THE STATE FIRE MARSHAL on the
11 form that the State Fire Marshal provides;

12 (II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;
13 AND

14 (III) PAY TO THE STATE FIRE MARSHAL THE FEES REQUIRED UNDER
15 SUBSECTION (D) OF THIS SECTION AND THE COST OF THE CRIMINAL HISTORY
16 RECORDS CHECK.

17 (2) The application FORM shall [include] REQUIRE the following
18 information:

19 (i) the name and address of the applicant;

20 (ii) the reason for desiring the requested license OR PERMIT;

21 (iii) if the applicant is an individual, the citizenship of the
22 individual; [and]

23 (iv) if the applicant is a partnership, association, or corporation, the
24 names, addresses, and citizenship of the partners of the partnership or officers and
25 directors of the association or corporation; AND

26 (V) PROOF OF LIABILITY INSURANCE IN THE AMOUNT THAT THE
27 STATE FIRE PREVENTION COMMISSION SETS.

28 (b) [An applicant for a license to engage in business as a manufacturer or
29 dealer or to possess explosives other than explosives for use in firearms shall provide
30 proof of liability insurance in the amount that the State Fire Prevention Commission
31 sets] AS PART OF THE APPLICATION FOR A LICENSE OR PERMIT, THE APPLICANT
32 SHALL SUBMIT TO THE STATE FIRE MARSHAL THE FINGERPRINTS REQUIRED UNDER
33 SUBSECTION (E)(3)(I) OF THIS SECTION FOR EACH APPLICANT AND EACH OFFICER,
34 AGENT, OR EMPLOYEE OF THE APPLICANT WHO WILL BE HANDLING EXPLOSIVES.

1 (c) [In addition, an applicant for a license to possess explosives other than
 2 explosives for use in firearms shall include the following information] AS PART OF
 3 THE APPLICATION FOR A LICENSE OR PERMIT, THE STATE FIRE MARSHAL SHALL
 4 REQUIRE THE APPLICANT TO SUBMIT WITH THE APPLICATION:

- 5 (1) the place where the explosives will be stored;
 6 (2) the place where the explosives will be used; and
 7 (3) the specific purpose for using the explosives.

8 (d) [(1) An applicant for a license to possess explosives other than explosives
 9 for use in firearms shall submit the application:

- 10 (i) to the local licensing authority; or
 11 (ii) if the applicant is a nonresident of the State and has no regular
 12 place of business in the State, to the State Fire Marshal.

13 (2) All other applicants for licenses shall submit the application to the
 14 State Fire Marshal.

15 (e) (1)] Each application for a license OR PERMIT shall be accompanied by the
 16 following fee:

17 [(i)] (1) license to engage in business as a manufacturer of:

18 [1.] (I) [0-499] LESS THAN 500 pounds of explosives \$50

19 [2.] (II) [500-4,999 pounds of explosives] 500 POUNDS OR
 20 MORE OF EXPLOSIVES BUT LESS THAN 5,000 POUNDS \$100

21 [3.] (III) [5,000-9,999 pounds of explosives] 5,000 POUNDS OR
 22 MORE OF EXPLOSIVES BUT LESS THAN 10,000 POUNDS \$250

23 [4.] (IV) 10,000 pounds or more of explosives \$500

24 [(ii)] (2) license to engage in business as a dealer for:

25 [1.] (I) retail only \$25

26 [2.] (II) users \$50

27 [3.] (III) wholesale and retail \$100

28 (3) LICENSE TO POSSESS EXPLOSIVES OTHER THAN FOR USE IN
 29 FIREARMS \$50

30 (4) LICENSE TO POSSESS EXPLOSIVES FOR USE IN FIREARMS \$50

31 [(iii)] (5) storage license for:

- 1 [1.] (I) Class A - 500 pounds or more of explosives \$50
- 2 [2.] (II) Class B -[499 pounds or] less THAN 500 POUNDS of
3 explosives \$25
- 4 (6) BLASTER'S PERMIT \$20
- 5 [(2) If an application is denied, the application fee shall be returned to the
6 applicant.]
- 7 (E) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
8 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
9 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.
- 10 (2) THE STATE FIRE MARSHAL SHALL APPLY TO THE CENTRAL
11 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
12 EACH APPLICANT AND EACH OFFICER, AGENT, OR EMPLOYEE OF THE APPLICANT
13 WHO WILL BE HANDLING EXPLOSIVES.
- 14 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
15 CHECK, THE STATE FIRE MARSHAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:
- 16 (I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS OF EACH
17 APPLICANT AND EACH OFFICER, AGENT, OR EMPLOYEE OF THE APPLICANT WHO
18 WILL BE HANDLING EXPLOSIVES, TAKEN ON FORMS APPROVED BY THE CENTRAL
19 REPOSITORY AND THE FEDERAL BUREAU OF INVESTIGATION;
- 20 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
21 PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND
- 22 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
23 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
24 RECORDS CHECK.
- 25 (4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL
26 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
27 APPLICANT AND THE STATE FIRE MARSHAL A PRINTED STATEMENT OF THE
28 CRIMINAL HISTORY RECORD INFORMATION OF THE SUBJECT OF THE CRIMINAL
29 HISTORY RECORDS CHECK.
- 30 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
31 THIS SUBSECTION:
- 32 (I) SHALL BE CONFIDENTIAL AND MAY NOT BE DISSEMINATED;
33 AND
- 34 (II) SHALL BE USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS
35 SUBSECTION.

1 (6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
2 THIS SUBSECTION MAY CHALLENGE THE CONTENTS OF THE PRINTED STATEMENT
3 ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
4 PROCEDURE ARTICLE.

5 11-107.

6 (a) The State Fire Marshal shall issue a license OR PERMIT to each applicant
7 who meets the requirements of this subtitle.

8 (b) Subject to subsection (c) of this section, the State Fire Marshal shall deny
9 an application for a license OR PERMIT if the State Fire Marshal finds that:

10 (1) the applicant, or an officer, agent, or employee of the applicant who
11 will be handling explosives, is not sufficiently experienced and will not ~~be supervised~~
12 ~~satisfactorily~~ WORK UNDER SATISFACTORY SUPERVISION in manufacturing, dealing
13 in, or handling of explosives, as applicable;

14 (2) the applicant lacks suitable facilities for manufacturing, dealing in,
15 or handling explosives;

16 (3) the applicant, or an officer, agent, or employee of the applicant who
17 will be handling explosives, has been convicted of a felony or crime involving violence;

18 (4) the applicant, or an officer, agent, or employee of the applicant who
19 will be handling explosives, is disloyal to the United States OR HAS RENOUNCED
20 UNITED STATES CITIZENSHIP;

21 (5) the applicant, or an officer, agent, or employee of the applicant who
22 will be handling explosives, will use the explosives for an illegal purpose;

23 (6) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
24 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, IS A FUGITIVE AS DEFINED IN §
25 9-401 OF THE CRIMINAL LAW ARTICLE;

26 (7) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
27 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, HAS BEEN ADJUDICATED
28 MENTALLY DEFECTIVE AS DEFINED IN § 3-301 OF THE CRIMINAL LAW ARTICLE;

29 (8) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
30 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, HAS BEEN COMMITTED TO A
31 MENTAL INSTITUTION;

32 (9) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
33 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, HAS BEEN DISHONORABLY
34 DISCHARGED FROM THE UNITED STATES MILITARY;

35 (10) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
36 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, IS AN ALIEN OTHER THAN AN

1 ALIEN AUTHORIZED TO RECEIVE EXPLOSIVES UNDER THE FEDERAL SAFE
 2 EXPLOSIVES ACT;

3 (11) THE APPLICANT, OR AN OFFICER, AGENT, OR EMPLOYEE OF THE
 4 APPLICANT WHO WILL BE HANDLING EXPLOSIVES, IS A USER OF, OR ADDICTED TO, A
 5 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
 6 LAW ARTICLE;

7 ~~(6)~~ (12) the application contains false information; or

8 ~~(7)~~ (13) the application fails to provide required information.

9 (c) (1) An applicant for a license to possess explosives for use in firearms
 10 need not have sufficient experience in handling explosives [and be supervised
 11 satisfactorily] OR WORK UNDER SATISFACTORY SUPERVISION in handling explosives.

12 (2) An applicant for a license to possess explosives [other than
 13 explosives for use in firearms] to be used for agricultural purposes [on the premises
 14 of the applicant] need not:

15 (i) have sufficient experience in handling explosives[;

16 (ii) be supervised satisfactorily] OR WORK UNDER SATISFACTORY
 17 SUPERVISION in handling explosives; or

18 [(iii)] (II) have suitable facilities for handling explosives.

19 (d) Before a license OR PERMIT may be issued under this subtitle to an
 20 employer to engage in an activity in which the employer may employ a covered
 21 employee, as defined in § 9-101 of the Labor and Employment Article, the employer
 22 shall file with the State Fire Marshal:

23 (1) a certificate of compliance with the Maryland Workers' Compensation
 24 Act; or

25 (2) the number of a workers' compensation insurance policy or binder.

26 (e) On issuance of a license OR PERMIT under this section, the State Fire
 27 Marshal shall notify:

28 (1) the fire chief or fire administrator in the county where the license OR
 29 PERMIT was issued; or

30 (2) if the county does not have a county fire chief or fire administrator,
 31 the local 9-1-1 center.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2003.

