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

Introduced and read first time: January 29, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **State Fire Marshal - Issuance of Explosives Licenses - Criminal History**
3 **Records Checks**

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

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

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

20 **Article - Public Safety**

21 11-104.

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

1 11-106.

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

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

7 (II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;
8 AND

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

12 (2) The application FORM shall [include] REQUIRE the following
13 information:

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

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

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

18 (iv) if the applicant is a partnership, association, or corporation, the
19 names, addresses, and citizenship of the partners of the partnership or officers and
20 directors of the association or corporation; AND

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

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

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

34 (1) the place where the explosives will be stored;

35 (2) the place where the explosives will be used; and

36 (3) the specific purpose for using the explosives.

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

3 (i) to the local licensing authority; or

4 (ii) if the applicant is a nonresident of the State and has no regular
5 place of business in the State, to the State Fire Marshal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 [1.] (I)..... Class A - 500 pounds or more of explosives \$50

26 [2.] (II) Class B -[499 pounds or] less THAN 500 POUNDS of
27 explosives \$25

28 (6) BLASTER'S PERMIT \$20

29 [(2) If an application is denied, the application fee shall be returned to the
30 applicant.]

1 (E) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
2 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
3 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

4 (2) THE STATE FIRE MARSHAL SHALL APPLY TO THE CENTRAL
5 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
6 EACH APPLICANT AND EACH OFFICER, AGENT, OR EMPLOYEE OF THE APPLICANT
7 WHO WILL BE HANDLING EXPLOSIVES.

8 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
9 CHECK, THE STATE FIRE MARSHAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:

10 (I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS OF EACH
11 APPLICANT AND EACH OFFICER, AGENT, OR EMPLOYEE OF THE APPLICANT WHO
12 WILL BE HANDLING EXPLOSIVES, TAKEN ON FORMS APPROVED BY THE CENTRAL
13 REPOSITORY AND THE FEDERAL BUREAU OF INVESTIGATION;

14 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
15 PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

16 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
17 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
18 RECORDS CHECK.

19 (4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL
20 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
21 APPLICANT AND THE STATE FIRE MARSHAL A PRINTED STATEMENT OF THE
22 CRIMINAL HISTORY RECORD INFORMATION OF THE SUBJECT OF THE CRIMINAL
23 HISTORY RECORDS CHECK.

24 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
25 THIS SUBSECTION:

26 (I) SHALL BE CONFIDENTIAL AND MAY NOT BE DISSEMINATED;
27 AND

28 (II) SHALL BE USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS
29 SUBSECTION.

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

34 11-107.

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

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

3 (1) the applicant, or an officer, agent, or employee of the applicant who
4 will be handling explosives, is not sufficiently experienced and will not be supervised
5 satisfactorily in manufacturing, dealing in, or handling of explosives, as applicable;

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

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

10 (4) the applicant, or an officer, agent, or employee of the applicant who
11 will be handling explosives, is disloyal to the United States;

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

14 (6) the application contains false information; or

15 (7) the application fails to provide required information.

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

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

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

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

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

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

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

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

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

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

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

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