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

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the State Fire Marshal - Explosives Licenses and Permits -**
3 **Expiration and Fees**

4 FOR the purpose of altering the fees the State Fire Marshal collects for certain
5 licenses and permits; authorizing the State Fire Marshal to issue certain
6 licenses for certain periods of time; and generally relating to the State Fire
7 Marshal and explosives licenses and permits.

8 BY repealing and reenacting, with amendments,
9 Article - Public Safety
10 Section 11-106 and 11-109
11 Annotated Code of Maryland
12 (2003 Volume and 2004 Supplement)

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

15 **Article - Public Safety**

16 11-106.

17 (a) (1) An applicant for a license to engage in business as a manufacturer or
18 dealer, to possess explosives other than explosives for use in firearms, or to possess
19 explosives for use in firearms, and an applicant for a blaster's permit shall:

20 (i) submit an application to the State Fire Marshal on the form
21 that the State Fire Marshal provides;

22 (ii) submit the documents required under this section; and

23 (iii) pay to the State Fire Marshal the fees required under
24 subsection (d) of this section and the cost of the criminal history records check.

25 (2) The application form shall require the following information:

- 1 (i) the name and address of the applicant;
- 2 (ii) the reason for desiring the requested license or permit;
- 3 (iii) if the applicant is an individual, the citizenship of the
- 4 individual;
- 5 (iv) if the applicant is a partnership, association, or corporation, the
- 6 names, addresses, and citizenship of the partners of the partnership or officers and
- 7 directors of the association or corporation; and
- 8 (v) proof of liability insurance in the amount that the State Fire
- 9 Prevention Commission sets.

10 (b) As part of the application for a license or permit, the applicant shall submit
 11 to the State Fire Marshal the fingerprints required under subsection (e)(3)(i) of this
 12 section for each applicant and each officer, agent, or employee of the applicant who
 13 will be handling explosives.

14 (c) As part of the application for a license or permit, the State Fire Marshal
 15 shall require the applicant to submit with the application:

- 16 (1) the place where the explosives will be stored;
- 17 (2) the place where the explosives will be used; and
- 18 (3) the specific purpose for using the explosives.

19 (d) Each application for a license or permit shall be accompanied by the
 20 following fee:

- 21 (1) license to engage in business as a manufacturer of:
 - 22 (i) less than 500 pounds of explosives [\$50] \$150
 - 23 (ii) 500 pounds or more of explosives but less than 5,000
 - 24 pounds [\$100] \$300
 - 25 (iii) 5,000 pounds or more of explosives but less than 10,000
 - 26 pounds [\$250] \$750
 - 27 (iv) 10,000 pounds or more of explosives [\$500] \$1,500
- 28 (2) license to engage in business as a dealer for:
 - 29 (i) retail only [\$25] \$75
 - 30 (ii) users [\$50] \$150
 - 31 (iii) wholesale and retail [\$100] \$300

- 1 (3) license to possess explosives other than for use in firearms [\$50]
 2 \$150
- 3 (4) license to possess explosives for use in firearms [\$50] \$150
- 4 (5) storage license for:
- 5 (i) Class A - 500 pounds or more of explosives [\$50] \$150
- 6 (ii) Class B - less than 500 pounds of explosives [\$25] \$75
- 7 (6) blaster's permit [\$20] \$60

8 (e) (1) In this subsection, "Central Repository" means the Criminal Justice
 9 Information System Central Repository of the Department of Public Safety and
 10 Correctional Services.

11 (2) The State Fire Marshal shall apply to the Central Repository for a
 12 State and national criminal history records check for each applicant and each officer,
 13 agent, or employee of the applicant who will be handling explosives.

14 (3) As part of the application for a criminal history records check, the
 15 State Fire Marshal shall submit to the Central Repository:

16 (i) two complete sets of legible fingerprints of each applicant and
 17 each officer, agent, or employee of the applicant who will be handling explosives,
 18 taken on forms approved by the Central Repository and the Federal Bureau of
 19 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 Federal Bureau of
 23 Investigation for a national criminal history records check.

24 (4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure
 25 Article, the Central Repository shall forward to the applicant and the State Fire
 26 Marshal a printed statement of the criminal history record information of the subject
 27 of the criminal history records check.

28 (5) Information obtained from the Central Repository under this
 29 subsection:

30 (i) shall be confidential and may not be disseminated; and

31 (ii) shall be used only for the purpose authorized by this subsection.

32 (6) The subject of a criminal history records check under this subsection
 33 may challenge the contents of the printed statement issued by the Central Repository
 34 as provided in § 10-223 of the Criminal Procedure Article.

1 11-109.

2 A license issued under this subtitle expires on the [first] THIRD anniversary of
3 its effective date unless sooner revoked.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect October 1, 2005.