

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 293

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Offered March 27, 2017.

Senate Substitute adopted, March 27, 2017.

Taken up for Perfection March 27, 2017. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

1348S.02P

AN ACT

To repeal section 319.318, RSMo, and to enact in lieu thereof one new section relating to the per ton fee for using explosives.

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Section A. Section 319.318, RSMo, is repealed and one new section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

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

3 2. Provisions of federal law and regulation regarding the manufacturing,
4 transportation, distribution, and storage of explosives shall be enforced by the
5 appropriate federal agency and shall not be subject to enforcement under sections
6 319.300 to 319.345.

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

23 (2) The report shall include:

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

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

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

32 (3) The person using explosives shall submit with the annual report a fee
33 per ton, as established under this section, based on the amount of explosives used
34 in Missouri. If the report of total pounds used results in a portion of a ton, the
35 cumulative total of the fee shall be rounded to the nearest ton. The fee shall be
36 five hundred dollars plus one dollar and fifteen cents per ton of explosives
37 used. The fee per ton authorized under this subdivision may be adjusted by rule
38 provided the fee shall not exceed [two] **seven dollars and fifty cents** per
39 ton. The state blasting safety board shall review the fee schedule on a biennial
40 basis and approve or disapprove adjustments in fees by rule. **The fee**
41 **established by rule shall not yield revenue greater than the cost of**
42 **administering sections 319.300 to 319.345. The fee authorized in this**
43 **section and adjusted by rule shall not apply to any person, company, or**
44 **entity regulated by the department of natural resources under sections**
45 **444.800 to 444.980 and 10 CSR 40-3.160.**

46 5. (1) The division of fire safety may audit the records of any person
47 using explosives required to report annually under subsection 4 of this section to
48 determine the accuracy of the number of pounds of explosives reported. In
49 connection with such audit, the division of fire safety may also require any
50 distributor of explosives to provide a statement of sales during the year to
51 persons required to report under subsection 4 of this section.

52 (2) It shall be a violation of sections 319.300 to 319.345 to fail to register
53 or report as required by subsection 3 of this section or knowingly report false
54 information in the reports required under subsections 3 and 4 of this section. The
55 state fire marshal may issue a notice of violation under section 319.333 for failure
56 to register or report or for knowingly reporting false information in the reports
57 required by subsections 3 and 4 of this section. The notice of violation shall be
58 subject to the same procedures and rights of appeal as established in sections
59 319.324, 319.327, and 319.333.

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

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

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

69 (2) Fail to calculate the scaled distance, conduct monitoring of vibration
70 and noise levels, and conduct record keeping as required by sections 319.300 to
71 319.345;

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

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

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

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