

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 293

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:

1 Section A. Section 319.318, RSMo, is repealed and one new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

4 319.318. 1. Any person using explosives shall comply with
5 the provisions of this section.

6 2. Provisions of federal law and regulation regarding the
7 manufacturing, transportation, distribution, and storage of
8 explosives shall be enforced by the appropriate federal agency
9 and shall not be subject to enforcement under sections 319.300 to
10 319.345.

11 3. Within sixty days after August 28, 2007, each person
12 using explosives or intending to use explosives in Missouri shall
13 register with the division of fire safety. Any person using
14 explosives who is not required to register on the effective date,
15 who subsequently uses explosives in Missouri shall register with
16 the division of fire safety prior to first using explosives in
17 Missouri. The initial registration shall state the name of the
18 person, address, telephone number, facsimile number, email
19 address, and name of the principal individual having

1 responsibility for supervision of the use of explosives. A fee
2 of two hundred dollars shall be submitted with the initial
3 registration.

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

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

12 (2) The report shall include:

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

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

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

22 (3) The person using explosives shall submit with the
23 annual report a fee per ton, as established under this section,
24 based on the amount of explosives used in Missouri. If the
25 report of total pounds used results in a portion of a ton, the
26 cumulative total of the fee shall be rounded to the nearest ton.
27 The fee shall be five hundred dollars plus one dollar and fifteen
28 cents per ton of explosives used. The fee per ton authorized

1 under this subdivision may be adjusted by rule provided the fee
2 shall not exceed [two] seven dollars and fifty cents per ton.
3 The state blasting safety board shall review the fee schedule on
4 a biennial basis and approve or disapprove adjustments in fees by
5 rule. The fee established by rule shall not yield revenue
6 greater than the cost of administering sections 319.300 to
7 319.345. The fee authorized in this section and adjusted by rule
8 shall not apply to any person, company, or entity regulated by
9 the department of natural resources under sections 444.800 to
10 444.980 and 10 CSR 40-3.160.

11 5. (1) The division of fire safety may audit the records
12 of any person using explosives required to report annually under
13 subsection 4 of this section to determine the accuracy of the
14 number of pounds of explosives reported. In connection with such
15 audit, the division of fire safety may also require any
16 distributor of explosives to provide a statement of sales during
17 the year to persons required to report under subsection 4 of this
18 section.

19 (2) It shall be a violation of sections 319.300 to 319.345
20 to fail to register or report as required by subsection 3 of this
21 section or knowingly report false information in the reports
22 required under subsections 3 and 4 of this section. The state
23 fire marshal may issue a notice of violation under section
24 319.333 for failure to register or report or for knowingly
25 reporting false information in the reports required by
26 subsections 3 and 4 of this section. The notice of violation
27 shall be subject to the same procedures and rights of appeal as
28 established in sections 319.324, 319.327, and 319.333.

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

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

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

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

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

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

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