



General Assembly

**Substitute Bill No. 369**

February Session, 2008

\* SB00369ENV 031708 \*

**AN ACT CONCERNING BLASTING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-349 of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2008*):

4 (a) The Commissioner of Public Safety shall have exclusive  
5 jurisdiction in the preparation of and may enforce reasonable  
6 regulations for the safe and convenient storage, transportation and use  
7 of explosives and blasting agents used in connection therewith, which  
8 regulations shall deal in particular with the quantity and character of  
9 explosives and blasting agents to be stored, transported and used, the  
10 proximity of such storage to inhabited dwellings or other occupied  
11 buildings, public highways and railroad tracks, the character and  
12 construction of suitable magazines for such storage, protective  
13 measures to secure such stored explosives and blasting agents,  
14 measures designed to minimize vibration, noise and adverse impacts  
15 on nearby property caused by such explosives and blasting agents and  
16 the abatement of any hazard that may arise incident to the storage,  
17 transportation or use of such explosives and blasting agents. The  
18 Commissioner of Public Safety shall consult with the Commissioner of  
19 Environmental Protection when preparing regulations concerning  
20 measures designed to minimize vibration, noise and adverse impacts

21 on nearby property caused by explosives and blasting agents.

22 (b) No person, firm or corporation shall engage in any activity  
23 concerning the storage, transportation or use of explosives unless such  
24 person, firm or corporation has obtained a license therefor from the  
25 Commissioner of Public Safety. Such license shall be issued upon  
26 payment of a fee of one hundred dollars and upon submission by the  
27 applicant of evidence of good moral character and of competence in  
28 the control and handling of explosives, provided, if such license is for  
29 the use of explosives, it may be issued only to an individual person  
30 after demonstration that such individual is technically qualified to  
31 detonate explosives. Any such license to use explosives shall bear both  
32 the fingerprints of the licensee obtained by the Commissioner of Public  
33 Safety at the time of licensing, and the licensee's photograph, furnished  
34 by the licensee, of a size specified by the commissioner and taken not  
35 more than one year prior to the issuance of the license. Each such  
36 license shall be valid for one year from the date of its issuance, unless  
37 sooner revoked or suspended, and may be renewed annually  
38 thereafter upon a payment of seventy-five dollars.

39 (c) The Commissioner of Public Safety shall require any applicant  
40 for a license under this section to submit to state and national criminal  
41 history records checks. The criminal history records checks required  
42 pursuant to this subsection shall be conducted in accordance with  
43 section 29-17a.

44 (d) No person shall manufacture, keep, store, sell or deal in any  
45 explosives unless such person has a valid license under the provisions  
46 of subsection (b) of this section and obtains from the Commissioner of  
47 Public Safety or from the fire marshal of the town where such business  
48 is conducted a written permit therefor, which permit shall not be valid  
49 for more than one year and for which such person shall pay a fee of  
50 fifty dollars. If the permit is issued by the Commissioner of Public  
51 Safety, the commissioner shall forward a copy thereof to the local fire  
52 marshal. Such permit so granted shall definitely state the location of  
53 the building where such business is to be carried on or such explosive

54 deposited and shall state that such building or premises complies with  
55 the regulations provided for in this section.

56 (e) No person shall procure, transport or use any explosives unless  
57 such person has a valid license under subsection (b) of this section and  
58 has obtained a written permit therefor signed by the Commissioner of  
59 Public Safety or by the fire marshal of the town where such explosive  
60 is to be used, specifying the name of the purchaser, the amount to be  
61 purchased and transported and the purpose for which it is to be used.  
62 Any such permit to use explosives shall state the number of years the  
63 permittee has been engaged in blasting activity. Such permit shall be  
64 valid for such period, not longer than one year, as is required to  
65 accomplish the purpose for which it was obtained. No carrier shall  
66 transport any such explosive until the vehicle transporting the  
67 explosive has been inspected and approved by the Department of  
68 Public Safety and unless such written permit accompanies the same  
69 and no person shall have in such person's possession any such  
70 explosive unless such person has a license and permit therefor. The fee  
71 for such inspection shall be fifty dollars. The fee for such permit shall  
72 be thirty dollars. Each person who has in such person's custody or  
73 possession any explosive or any detonating caps for explosives shall  
74 keep the same either under personal observation or securely locked  
75 up.

76 (f) Any license or permit issued under the provisions of this section  
77 may be suspended or revoked by the issuing authority for violation by  
78 the licensee or permittee of any provision of law or regulation relating  
79 to explosives or conviction of such licensee or permittee of any felony  
80 or misdemeanor. Suspension or revocation of a license shall  
81 automatically suspend or revoke the permit and the suspension or  
82 revocation of a permit shall automatically suspend or revoke the  
83 license.

84 (g) Any person who, by himself or herself or by such person's  
85 employee or agent or as the employee or agent of another, violates any  
86 provision of this section, or any regulation made by the Commissioner

87 of Public Safety pursuant to the provisions of this section, shall be  
88 fined not more than ten thousand dollars or imprisoned not more than  
89 ten years or both.

90 (h) As used in this section, "blasting agent" means any material,  
91 composition or mixture intended for blasting, consisting substantially  
92 of a fuel and oxidizer, none of the ingredients of which is an explosive  
93 as defined in section 29-343, and the finished product of which as  
94 mixed and packaged for use or shipment cannot be detonated by the  
95 test procedure established by regulations adopted by the  
96 Commissioner of Public Safety in accordance with chapter 54.

97 (i) Notwithstanding the provisions of this section, the Labor  
98 Commissioner shall regulate the storage, transportation and use of  
99 explosives and blasting agents in places of employment insofar as such  
100 activities relate to employee health and safety, provided such  
101 regulations shall be no less stringent than those prepared and enforced  
102 by the Commissioner of Public Safety pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	29-349

**ENV**      *Joint Favorable Subst.*