

CHAPTER 60  
HB 162 – FINAL VERSION

11Feb2015... 0067h

2015 SESSION

15-0533  
05/09

HOUSE BILL           **162**

AN ACT               transferring authority for explosives and fireworks rules from the director of state police to the commissioner of safety.

SPONSORS:           Rep. Welch, Rock 13; Rep. Tholl, Coos 5; Rep. Cushing, Rock 21

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

This bill transfers regulatory authority to purchase, store, or transport explosives and explosive substances, including fireworks, from the director of state police to the commissioner of safety.

This bill is a request of the department of safety.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears [~~in brackets and struck through~~].  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                    transferring authority for explosives and fireworks rules from the director of state police to the commissioner of safety.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            60:1 License to Purchase, Store, and Transport Explosives and Explosive Substances;  
2 Application. Amend RSA 158:9-b to read as follows:

3            158:9-b Application.

4            I. Upon application of any resident or non-resident, the [~~director of state police~~  
5 **commissioner of safety**, or some person designated by the [~~director~~] **commissioner**, shall issue a  
6 license to such applicant authorizing the applicant to use, purchase and transport explosives in this  
7 state for not more than 2 years from the date of issue, if the applicant has a certificate of competency  
8 pursuant to RSA 158:9-h, has any proper purposes, and the applicant is a suitable person to be  
9 licensed. The license shall be in duplicate and shall bear the name, address, description and  
10 signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate  
11 shall be preserved by the [~~director~~] **commissioner**. The license shall be issued within a reasonable  
12 time after application therefor, and, if such application is denied, the reasons for such denial shall be  
13 stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy  
14 thereof kept in the office of the department of safety[~~, division of state police~~].

15            I-a. Upon application of any corporation, partnership, or similar entity, the [~~director of state~~  
16 ~~police~~] **commissioner of safety**, or designee, shall issue a license to a corporation, partnership, or  
17 similar entity authorizing the use, purchase, and transport of explosives in this state for not more  
18 than 2 years from the date of issue, if an employee of such corporation, partnership, or similar entity  
19 has a certificate of competency pursuant to RSA 158:9-h. The license shall be in duplicate and shall  
20 bear the name, address, description, and signature of the licensee. The original thereof shall be  
21 delivered to the licensee and the duplicate shall be preserved by the [~~director~~] **commissioner**. The  
22 license shall be issued within a reasonable time after application therefor, and if such application is  
23 denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall  
24 be delivered to the applicant, and the copy thereof kept in the office of the department of safety[  
25 ~~division of state police~~].

26            II. Upon application of any person, the [~~director of state police~~] **commissioner of safety**, or  
27 some person designated by the [~~director~~] **commissioner**, shall issue a license to such applicant  
28 authorizing the applicant to store explosives in this state for not more than one year from the date of  
29 issue. The license shall be in duplicate and shall bear the name, address, description and signature

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1 of the licensee. The original thereof shall be delivered to the licensee and the duplicate shall be  
2 preserved by the ~~[director]~~ **commissioner**. The license shall be issued within a reasonable time  
3 after application therefor, and, if such application is denied, the reasons for such denial shall be  
4 stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy  
5 thereof kept in the office of the department of safety~~[- division of state police]~~.

6 III. Upon application of any person, the ~~[director of state police]~~ **commissioner of safety**, or  
7 some person designated by the ~~[director]~~ **commissioner**, shall issue a license to such applicant  
8 authorizing the applicant to sell or market explosives in this state for not more than one year from  
9 the date of issue. The license shall be in duplicate and shall bear the name, address, description and  
10 signature of the licensee. The original thereof shall be delivered to the licensee and the duplicate  
11 shall be preserved by the ~~[director]~~ **commissioner**. The license shall be issued within a reasonable  
12 time after application therefor, and, if such application is denied, the reasons for such denial shall be  
13 stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy  
14 thereof kept in the office of the department of safety~~[- division of state police]~~.

15 IV. Upon application of any person, ~~[director of state police]~~ **commissioner of safety**, or  
16 designee, shall issue a license to such applicant authorizing the use, purchase, and transport of black  
17 powder and other flash powders, in excess of 50 pounds, for the use of fireworks manufacturing, if  
18 the applicant has a certificate of competency pursuant to RSA 158:9-f, has any proper purpose, and  
19 the applicant is a suitable person to be licensed. For the purposes of any corporation, partnership, or  
20 other similar entity, the applicant must be an employee who fulfills all other criteria under this  
21 section. The use, purchase, and transport license for black powder or flash powders shall not be  
22 issued for more than 2 years from the date of issuance. The license shall be in duplicate and shall  
23 bear the name, address, description, and signature of the licensee. The original thereof shall be  
24 delivered to the licensee and the duplicate shall be preserved by the ~~[director]~~ **commissioner**. The  
25 license shall be issued within a reasonable time after application therefor, and if such application is  
26 denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall  
27 be delivered to the applicant, and the copy thereof kept in the office of the department of safety~~[-~~  
28 ~~division of state police]~~.

29 60:2 License to Purchase, Store, and Transport Explosives and Explosive Substances; Storage  
30 Facility Fee. Amend RSA 158:9-c, III-a to read as follows:

31 III-a. There shall be a storage facility fee for a storage permit issued by the ~~[director of state~~  
32 ~~police]~~ **commissioner of safety** for the storage of display fireworks as defined in 27 C.F.R. section  
33 555.11, packaged or unpackaged. This fee shall be the same as that provided under paragraph II(a)  
34 through (e).

35 60:3 License to Purchase, Store, and Transport Explosives and Explosive Substances;  
36 Competency Examination. Amend RSA 158:9-c, VI to read as follows:

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1 VI. There shall be a fee of \$100 for any competency examination or renewal certificate [~~given~~  
2 ~~by the director of state police for any examination or certificate~~] given under this subdivision.

3 60:4 License Forms. Amend RSA 158:9-d to read as follows:

4 158:9-d License Forms. The [~~director of state police~~] **commissioner of safety** is hereby  
5 authorized and directed to prepare forms for the licenses required by RSA 158:9-a.

6 60:5 Rules; Enforcement. Amend RSA 158:9-f, I and II to read as follows:

7 I. The [~~director of the division of state police~~] **commissioner of safety** may adopt rules  
8 pursuant to RSA 541-A relative to:

9 (a) The sale, storage, handling, transportation, inspection, administration, and use of  
10 explosives, including provisions relative to the purchase of insurance by commercial entities.

11 (b) The procedures for the sale, storage, handling, transportation, inspection,  
12 administration, permit fees, and use of display fireworks to be followed by the licensing board of any  
13 city or town, or if a duly constituted licensing board does not exist, the chief of police of a city or  
14 town, if any, or the governing board of a town, city, or village district, when issuing permits for the  
15 sale or display of display fireworks pursuant to RSA 160-B. Rules adopted pursuant to this  
16 subparagraph shall include a requirement that no person may be issued a display permit for display  
17 fireworks unless the person has previously demonstrated his or her competence to handle such  
18 displays and has been issued a certificate of competency by the [~~division of state police~~] **department**  
19 **of safety**.

20 (c) The purchase of insurance by commercial entities, relative to the sale, storage,  
21 handling, transportation, inspection, administration, and display of display fireworks.

22 II. The [~~director~~] **commissioner of safety or his or her designee** shall enforce all laws of  
23 the state relative to the sale, storage, handling, transportation, inspection, administration, and use  
24 of explosives and display fireworks and rules adopted under this section. The [~~director~~]  
25 **commissioner of safety or his or her designee** shall assist the several counties, cities, towns,  
26 village districts, and precincts in supervising and enforcing local laws, bylaws, and ordinances where  
27 existent, relative to the storage, transportation, sale, and use of explosives and display fireworks.  
28 The powers and duties authorized by this section shall not be restricted by the provisions of  
29 RSA 106-B:15.

30 60:6 Certificates of Competency for Explosives. Amend RSA 158:9-h, II to read as follows:

31 II. No natural person shall conduct blasting operations without a current certificate of  
32 competency issued by the [~~director of the division of state police~~] **commissioner of safety** and valid  
33 for the category of use involved. Such certificate shall be valid for 4 years from the date of issue  
34 unless suspended or revoked by the [~~director~~] **commissioner**.

35 60:7 Transfer of Rulemaking Authority. All existing rules adopted by the director of state police  
36 under RSA 158:9-f shall continue in full force and effect until such rules, in accordance with

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1 RSA 541-A, expire, or are amended or repealed by the commissioner of safety.

2 60:8 Effective Date. This act shall take effect 60 days after its passage.

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4 Approved: June 2, 2015

5 Effective Date: August 1, 2015