

SENATE BILL NO. 393

BY SENATOR OWEN

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AN ACT

To amend and reenact R.S. 40:1472.2(4), (9.1), and (18), 1472.3(E)(3)(b), and 1472.9(A) and to enact R.S. 40:1472.2(7.1), relative to the regulation of explosives; to provide for definitions; to provide for licensing; to provide for civil penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1472.2(4), (9.1), and (18), 1472.3(E)(3)(b), and 1472.9(A) are hereby amended and reenacted and R.S. 40:1472.2(7.1) is hereby enacted to read as follows:

§1472.2. Definitions

The following words used in this Part shall have the meanings respectively ascribed to them in this Section, including singular as follows:

* * *

(4) "Blaster" shall mean a person employed by a primary licensee who detonates or otherwise effects the explosion of an explosive or **a person employed by a primary licensee** who is in immediate personal charge and supervision of one or more other persons engaged in such activity **directly manages, supervises, or directs the activities of one or more persons employed by the same licensee who detonates or otherwise effects the explosion of an explosive by intentionally causing an explosion of an explosive to occur.**

* * *

(7.1) **"Explosives business" shall mean any corporation, company, association, firm, partnership, society, or joint stock company which engages in the manufacturing, distributing, buying, selling, or consumption of explosives and explosives materials.**

* * *

(9.1) "Handler" shall mean a person who touches, moves, or ~~otherwise handles~~ **transports** explosives but does not detonate ~~or otherwise~~ **nor** effect the

1 explosion of explosives or explosives materials by intentionally causing an
2 explosion of an explosive to occur. The license issued to a handler shall not be used
3 by a blaster or user who uses explosives as ~~an ultimate consumer~~ the final end
4 consumer of the explosive.

5 * * *

6 (18) "Person" means any individual; or employee or member of a
7 corporation, company, association, firm, partnership, society, or joint stock company
8 that acquires, sells, possesses, stores, engages in the use of, or transports
9 explosives in this state.

10 * * *

11 §1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of
12 explosives

13 * * *

14 E.

* * *

15 (3)

* * *

16 (b) The department shall execute a thorough background investigation,
17 including a criminal history records check, of every applicant for the purpose of
18 verifying or renewing the qualifications of the applicant for explosives licensing
19 pursuant to the requirements of this Section. For purposes of this Subparagraph, a
20 background check shall be defined as a fingerprint-based check of all state and
21 national records of arrest, prosecution, or conviction, ~~and all State records of arrest~~
22 shall include expunged information and dismissed convictions pursuant to Code of
23 Criminal Procedure Articles 893 and 894, ~~as well as national records which shall~~
24 ~~include fingerprints of the applicant and other identifying information, that shall be~~
25 ~~requested by the department~~. The department shall require any current ~~or~~ licensee
26 for an explosives license renewal or an applicant for a new explosives license as
27 a prospective manufacturer, dealer-distributor, user, blaster, or handler of explosives
28 as defined in R.S. 40:1472.2 to submit to a criminal history records check to be
29 conducted by the Louisiana Bureau of Criminal Identification and Information.
30 Fingerprints and other identifying information ~~from the current or~~ shall be obtained

1 **from an applicant as a** prospective manufacturer, dealer-distributor, user, blaster,
 2 or handler **of explosives and** shall be submitted to the bureau **to initiate the**
 3 **criminal history records search**. ~~In addition, when the department requests a~~
 4 ~~national criminal history records check, the~~ **The** bureau shall **simultaneously**
 5 forward the fingerprints to the Federal Bureau of Investigation for a national criminal
 6 history records check and shall provide the department with the national criminal
 7 history record information of the current ~~or~~ **licensee or the applicant of a new**
 8 **explosives license as a** prospective manufacturer, dealer-distributor, user, blaster,
 9 or handler.

* * *

§1472.9. Civil penalties

12 A. After notice and an opportunity for a hearing held in accordance with the
 13 Administrative Procedure Act, the deputy secretary may assess a civil penalty not to
 14 exceed ten thousand dollars for each violation against any person **or explosives**
 15 **business** he determines to have violated any rule or regulation adopted pursuant to
 16 this Part. In determining the amount of the penalty the deputy secretary shall take
 17 into account the nature, circumstances, extent, and gravity of the violation, the
 18 degree of culpability of the person **or explosives business** violating the rule or
 19 regulation, the person's **or explosives business's** history of previous offenses, the
 20 person's **or explosives business's** ability to pay and the effect of the penalty on his
 21 ability to continue to operate, and any other matter that justice requires.

* * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____