HOUSE DOCKET, NO. 37 FILED ON: 1/23/2017

HOUSE . . . . . No. 37

So much of the recommendations of the Department of the State Treasurer (House, No. 23) as relates to explosive bonds. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to explosive bonds.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 148 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking sections 19 to 20B, inclusive, and inserting in place thereof the following sections:-

"Section 19. No person shall conduct blasting operations unless such person has applied for and obtained a certificate of competency issued by the marshal. Any person wishing to obtain said certificate shall make application on a form approved by the marshal. A fee set annually by the secretary of administration and finance, pursuant to section 3B of chapter 7, shall accompany said application. The fee shall cover the costs of the application and certificate if issued. No portion of said fee shall be refundable. Upon receipt of said application and fee, the marshal shall arrange for the applicant to be examined as to the applicant's experience and ability to conduct blasting operations. If the applicant is found to be qualified, said applicant shall forthwith be issued a certificate of competency. Said certificate shall be valid throughout the commonwealth for a period not to exceed 24 months from the date of issue. Once issued,

said certificate may be renewed after its expiration and without examination, upon payment of a fee as determined by the secretary of administration and finance. However, no certificate may be renewed without examination and fee if said certificate has been in effect in excess of 7 years from the date of original issue. The holder of a certificate of competency whose certificate is lost, misplaced or stolen may obtain a duplicate certificate from the marshal upon payment of a fee as determined by the secretary of administration and finance pursuant to said chapter 7.

Section 20. No person shall conduct any blasting operations in any city or town unless said person has applied for and been issued an explosive user's certificate issued by the marshal and in accordance with the rules and regulations of the board of fire prevention regulations.

No explosive user's certificate shall be issued without the applicant having first obtained and filed with the marshal, a certificate of insurance demonstrating the issuance of a comprehensive general liability insurance policy providing coverage for bodily injury and property damage, with limits of no less than $1 million per person, $5 million per occurrence, and $5 million in the aggregate, for bodily injury, and no less than $1 million per occurrence, and $5 million in the aggregate, for property damage for loss, damage or injury which results from the blasting of rock or keeping of explosives. As a continuing condition of maintaining a valid explosive user's certificate, the insurance policy shall be maintained by the holder and kept in force at all times. In the event the required insurance is terminated or expires, the explosive user's certificate will become void until full coverage is restored.

The insurance policy shall be issued by an insurance company authorized to do business in the commonwealth. Each insurance policy shall provide for at least a 30 day notice by certified mail to the marshal as a condition of the policy, of any material change, cancellation or

expiration of the policy. The insurance policy shall be in effect for a minimum of one year from the date of the issuance of the explosive user's certificate. The city or town where the blasting is to be done shall be named as additional insureds under the insurance policy.".

SECTION 2. Said chapter 148, as so appearing, is hereby further amended by striking sections 40 to 43, inclusive, and inserting in place thereof the following section:-

"Section 40. No person shall manufacture, keep or store fireworks, in any quantity, except as permitted by the board of fire prevention regulations, in any building or structure unless said person has applied for and been issued a fireworks users certificate. In addition, no person shall use, discharge, fire off, explode or display fireworks by himself or his agents unless said person has applied for and been issued a fireworks users certificate by the marshal in accordance with the rules and regulations of the board.

No fireworks user's certificate shall be issued without the applicant having first obtained and filed with the marshal, a certificate of insurance demonstrating the issuance of a comprehensive general liability insurance policy providing coverage for bodily injury and property damage, with limits of no less than $1 million per person, $2 million per occurrence, and $2 million in the aggregate, for bodily injury, and no less than $1 million per occurrence, and $2 million in the aggregate, for property damage for loss, damage, or injury which results from the keeping, discharging, firing off, exploding or display of fireworks. As a continuing condition of maintaining a valid fireworks user's certificate, the insurance policy shall be maintained by the holder and kept in force at all times. In the event the required insurance is terminated or expires, the fireworks user's certificate will become void until full coverage is restored.

The insurance policy shall be issued by an insurance company authorized to do business in the commonwealth. Each insurance policy shall provide for at least a 30 day notice by certified mail to the marshal as a condition of the policy, of any material change, cancellation or expiration of the policy. The insurance policy shall be in effect for a minimum of one year from the date of the issuance of the fireworks user's certificate.

For purposes of this section, the word "loss" shall include the reasonable expense of a city or town incurred in the extinguishing of fires caused by the discharging, firing off, exploding, displaying or keeping of fireworks.".