

HOUSE No. 3589

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2013.

The committee on Public Safety and Homeland Security to whom were referred so much of the recommendations of the Department of the State Treasurer (House, No. 17) as relates to explosive bonds, reports recommending that the accompanying bill (House, No. 3589) ought to pass.

For the committee,

HAROLD P. NAUGHTON, JR.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act relative to the protection of the public for damages caused by blasting and fireworks.

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

1 Section 1. Chapter 148 is hereby amended by striking, in their entirety, Sections 19, 20,
2 20A and 20B and inserting in place thereof the following new sections:-

3 Section 19.

4 No person shall conduct blasting operations unless such person has applied for and
5 obtained a certificate of competency issued by the Marshal. Any person wishing to obtain said
6 certificate shall make application on a form approved by the Marshal. A fee set annually by the
7 Secretary of Administration and Finance, pursuant to three B of chapter 7, shall accompany said
8 application. The fee shall cover the costs of the application and certificate if issued. No portion
9 of said fee shall be refundable. Upon receipt of said application and fee, the Marshal shall
10 arrange for the applicant to be examined as to his experience and ability to conduct blasting
11 operations. If the applicant is found to be qualified, he shall forthwith be issued a certificate of
12 competency. Said certificate shall be valid throughout the Commonwealth for a period not to
13 exceed twenty-four months from the date of issue. Once issued, said certificate may be renewed
14 after its expiration and without examination, upon payment of a fee as determined by the
15 Secretary of Administration and Finance. However, no certificate may be renewed without
16 examination and fee if said certificate has been in effect in excess of seven years from the date of
17 original issue. The holder of a certificate of competency whose certificate is lost, misplaced or
18 stolen may obtain a duplicate certificate from the Marshal upon payment of a fee as determined
19 by the Secretary of Administration and Finance pursuant to the aforementioned chapter seven.

20 Section 20.

21 No person shall conduct any blasting operations in any city or town unless said person
22 has applied for and been issued an explosive user's certificate issued by the Marshal and in
23 accordance with the rules and regulations of the Board of Fire Prevention Regulations.

24 No explosive user's certificate shall be issued without the applicant having first obtained
25 and filed with the Marshal, a certificate of insurance demonstrating the issuance of a
26 comprehensive general liability insurance policy providing coverage for bodily injury and
27 property damage, with limits of no less than \$1 million per person, \$5 million per occurrence,
28 and \$5 million in the aggregate, for bodily injury, and no less than \$1 million per occurrence, and
29 \$5 million in the aggregate, for property damage for loss, damage or injury which results from
30 the blasting of rock or keeping of explosives. As a continuing condition of maintaining a valid
31 explosive user's certificate, the insurance policy shall be maintained by the holder and kept in
32 force at all times. In the event the required insurance is terminated or expires, the explosive
33 user's certificate will become void until full coverage is restored.

34 The insurance policy must be issued by an insurance company authorized to do business
35 in the Commonwealth of Massachusetts. Each insurance policy shall provide for at least a thirty
36 day notice by certified mail to the Marshal as a condition of the policy, of any material change,
37 cancellation or expiration of the policy. The insurance policy must be in effect for a minimum of
38 one year from the date of the issuance of the explosive user's certificate.

39 For purposes of this section, the word "loss" shall also include all damage caused as a
40 result the blasting of rock or keeping of explosives, to any public building, structure, or any other
41 public utility of any town or city, including but not limited to: electrical; natural gas; cable or
42 fiber optics; water mains; sewage systems; and the like.

43 Section 2. Chapter 148 is hereby amended by striking, in their entirety, Sections 40, 41,
44 42 and 43 and inserting in place thereof the following new sections:-

45 Section 40.

46 No person shall manufacture, keep or store fireworks, in any quantity, except as
47 permitted by the Board of Fire Prevention Regulations, in any building or structure unless said
48 person has applied for and been issued a fireworks users certificate. In addition, no person shall
49 use, discharge, fire off, explode or display fireworks by himself or his agents unless he has
50 applied for and been issued a fireworks users certificate by the Marshal in accordance with the
51 rules and regulations of the Board.

52 No fireworks user's certificate shall be issued without the applicant having first obtained
53 and filed with the Marshal, a certificate of insurance demonstrating the issuance of a
54 comprehensive general liability insurance policy providing coverage for bodily injury and
55 property damage, with limits of no less than \$1 million per person, \$2 million per occurrence,
56 and \$2 million in the aggregate, for bodily injury, and no less than \$1 million per occurrence, and
57 \$2 million in the aggregate, for property damage for loss, damage, or injury which results from
58 the keeping, discharging, firing off, exploding or display of fireworks. As a continuing condition
59 of maintaining a valid fireworks user's certificate, the insurance policy shall be maintained by

60 the holder and kept in force at all times. In the event the required insurance is terminated or
61 expires, the fireworks user's certificate will become void until full coverage is restored.

62 The insurance policy must be issued by an insurance company authorized to do business
63 in the Commonwealth of Massachusetts. Each insurance policy shall provide for at least a thirty
64 day notice by certified mail to the Marshal as a condition of the policy, of any material change,
65 cancellation or expiration of the policy. The insurance policy must be in effect for a minimum of
66 one year from the date of the issuance of the fireworks user's certificate.

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