

HOUSE BILL 3167

By Curtiss

AN ACT to amend Tennessee Code Annotated, Section 68-105-103, relative to requirements governing blasting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-105-103(f), is amended by inserting the language “the department of commerce and insurance and” between the language “shall notify” and the language “the utility company”.

SECTION 2. Tennessee Code Annotated, Section 68-105-103(l)(3)(B), is amended by inserting the language “the department of commerce and insurance and” between the language “shall give notice to” and the language “the utility company”.

SECTION 3. Tennessee Code Annotated, Section 68-105-103, is amended by adding the following language as a new subsection (m):

(m)

(1) In all instances other than as provided in subsection (f) and subdivision(l)(3)(B), the person who will be conducting blasting operations shall give notice to the department of commerce and insurance of the exact time and location a blast will occur. Such notice shall be made, in such manner as required by the commissioner, at least seventy-two (72) hours before the blast.

(2) If the blasting operation has a fixed blasting schedule, the requirements of this subsection (m) shall be met if the person who will be conducting the blasting operations files the fixed schedule with the department of commerce and insurance; provided, that the fixed schedule shall be filed at least seventy-two (72) hours before the first blast on the fixed schedule is to occur.

(3)

(A) Until January 1, 2011, if notice is not given as required in this subsection (m), the commissioner may assess a fine in the amount of one hundred dollars (\$100) but, for good cause shown, may waive the payment of such fine.

(B) Beginning January 1, 2011, and thereafter, for a first violation of failing to file a required notice, the commissioner may assess a fine in the amount of one hundred dollars (\$100) and for a second or subsequent violation by the same person, a five hundred dollar (\$500) fine shall be assessed; provided, that for good cause shown, the commissioner may waive the payment of such fine.

(C) Any fines imposed and collected pursuant to this subsection (m) shall be retained by the department to defray the cost of administering and enforcing this part.

(4) The commissioner shall file an annual report with the commerce committee of the house of representatives and the senate commerce, labor and agriculture committee providing information in sufficient detail for the committees to determine whether the fines established pursuant to subdivision (m)(3) are sufficient to ensure the notifications are being timely filed with the commissioner. The first annual report shall be filed no later than March 1, 2012, and by March 1 thereafter, provided that an interim report shall be filed by March 1, 2011.

SECTION 2. For purposes of the department of commerce and insurance, developing a procedure to file the notice, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2010, the public welfare requiring it.