



February 19, 1999

HOUSE BILL No. 1897

DIGEST OF HB 1897 (Updated February 16, 1999 5:44 pm - DI 98)

Citations Affected: IC 22-12; IC 22-14.

Synopsis: Regulated explosives. Specifies that common fireworks are not included in the definition of a regulated explosive. Requires a person engaged in the storage, manufacture, or handling of a regulated explosive or a person with control over a place where regulated explosives are stored, manufactured, or handled to maintain insurance covering fire and explosion losses in an amount not less than \$100,000 and not more than \$1,000,000. (Current law allows the office of the state fire marshal to require insurance of not less than \$10,000 and not more than \$250,000.) Requires that the owner or an occupant of a regulated explosives magazine must comply with all federal requirements relating to the regulated explosives magazine.

Effective: July 1, 1999.

Moses

January 26, 1999, read first time and referred to Committee on Human Affairs.
February 18, 1999, amended, reported — Do Pass.

HB 1897—LS 8180/DI 96+



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February 19, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1897

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-12-1-21 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. "Regulated
3 explosive" refers to an explosive other than the following:
4 (1) An explosive in a manufactured article that is designed and
5 packaged in a manner that is likely to prevent an explosion
6 resulting in property damage or personal injury. A manufactured
7 article to which this subdivision applies includes fixed
8 ammunition for small arms, ~~a firework~~, **common fireworks**, and
9 a safety fuse ~~match~~. **matches**.
10 (2) Gasoline, kerosene, ~~naphtha~~, **naphtha**, turpentine, or benzine.
11 (3) An explosive that is being transported on or in any vessel,
12 railroad car, or highway vehicle in conformity with the regulations
13 adopted by the United States Department of Transportation.
14 (4) A blasting explosive that is transported or used for agricultural
15 purposes and that is in a quantity that does not exceed two
16 hundred (200) pounds.
17 (5) Ammonium nitrate compounds kept for mining purposes and

HB 1897—LS 8180/DI 96+



1 in accordance with the regulations prescribed by the Federal
2 Bureau of Mines.

3 SECTION 2. IC 22-14-4-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) ~~The office may~~
5 ~~order any~~ **Any** person engaged in the **storage**, manufacture, or
6 handling of a regulated explosive and any person with control over a
7 place where regulated explosives are **stored**, manufactured, or handled
8 ~~to shall~~ maintain insurance covering fire and explosion losses ~~The~~
9 ~~order is not effective until sixty (60) days have elapsed after the date~~
10 ~~that notice of the order was received.~~

11 (b) ~~The state fire marshal shall specify the insurance required under~~
12 ~~subsection (a) in an amount not less than ten thousand dollars~~
13 ~~(\$10,000) nor one hundred thousand dollars (\$100,000) and not~~
14 ~~more than two hundred fifty thousand dollars (\$250,000).~~ **one million**
15 **dollars (\$1,000,000).**

16 (c) Proof of the insurance required under this section must be
17 maintained with the department of insurance.

18 (d) The insurance commissioner may exempt a person from the
19 insurance requirements under this section if an applicant for the
20 exemption submits proof that the applicant has the financial ability to
21 discharge all judgments in the amount specified by the state fire
22 marshal. The insurance commissioner may revoke an exemption under
23 this subsection, if the commissioner requires additional proof of
24 financial ability and:

25 (1) the exempted person fails to comply with the order; or
26 (2) the insurance commissioner determines that the exempted
27 person has failed to provide adequate proof of financial ability.

28 SECTION 3. IC 22-14-4-5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) To qualify for the
30 grant of a regulated explosives magazine permit, an applicant must:

31 (1) submit information on the form provided by the state fire
32 marshal, describing:

33 (A) the location of the affected magazine;
34 (B) the type and maximum quantity of explosives that will be
35 kept in the place covered by the application; and

36 (C) the distance that the affected magazine will be located
37 from the nearest highway, railway, and structure, that are also
38 used as places of habitation or assembly other than the
39 manufacture of explosives;

40 (2) demonstrate through an inspection that the magazine is
41 constructed and located in accordance with the rules adopted by
42 the commission; ~~and~~

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- 1 **(3) submit proof of compliance with all applicable federal**
- 2 **regulations; and**
- 3 ~~(3)~~ **(4) pay the fee set under IC 22-12-6-6.**
- 4 (b) To qualify for the renewal of a regulated explosives magazine
- 5 permit, the applicant must pay the fee set under IC 22-12-6-6 **and**
- 6 **provide proof of compliance with all applicable federal regulations.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1897, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, strike "The office may".

Page 2, line 5, strike "order any" and insert "**Any**".

Page 2, line 7, after "are" insert "**stored**".

Page 2, line 7, before "or" insert ",".

Page 2, line 7, strike "to" and insert "**shall**".

Page 2, line 8, delete ".".

Page 2, line 8, strike "The order is not effective".

Page 2, strike lines 9 through 11.

Page 2, line 12, strike "subsection (a)".

and when so amended that said bill do pass.

(Reference is to HB 1897 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 1.

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