

**House File 12 - Introduced**

HOUSE FILE 12  
BY PETTENGILL

**A BILL FOR**

1 An Act concerning issuance of a license or users permit for  
2 specified activities regarding explosives.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 101A.2, Code 2013, is amended to read as  
2 follows:

3 **101A.2 Commercial license — how issued — violation.**

4 1. The state fire marshal shall issue commercial licenses  
5 for the manufacture, importation, distribution, sale, and  
6 commercial use of explosives to persons who, in the state fire  
7 marshal's discretion are of good character and sound judgment,  
8 and have sufficient knowledge of the use, handling, and storage  
9 of explosive materials to protect the public safety. Licenses  
10 shall be issued for a period of ~~one year~~ three years, but may be  
11 issued for shorter periods, and may be revoked or suspended by  
12 the state fire marshal for any of the following reasons:

13 a. Falsification of information submitted in the application  
14 for a license.

15 b. Proof that the licensee has violated any provisions of  
16 this chapter or any rules prescribed by the state fire marshal  
17 pursuant to the provisions of this chapter.

18 c. The results of a national criminal history check  
19 conducted pursuant to subsection 3.

20 2. Licenses shall be issued by the state fire marshal upon  
21 payment of a fee of sixty dollars, valid for a period of ~~one~~  
22 three calendar year years, commencing on January 1 of the first  
23 year and terminating on December 31, ~~however~~ of the third year.  
24 However, an initial license may be issued during any a calendar  
25 year for the number of months remaining in such calendar year  
26 and the following two years, computed to the first day of the  
27 month when the application for the license is approved. The  
28 license fee shall be charged on a pro rata basis for the number  
29 of months remaining in the ~~year~~ period of issue. Applications  
30 for renewal of licenses shall be submitted within thirty days  
31 prior to the license expiration date and shall be accompanied  
32 by payment of the prescribed ~~annual~~ fee.

33 3. Prior to the issuance of a license pursuant to this  
34 chapter, an applicant shall be subject to a national criminal  
35 history check through the federal bureau of investigation.

1 The applicant shall provide fingerprints to the department of  
2 public safety for submission through the state criminal history  
3 repository to the federal bureau of investigation. Upon  
4 application for renewal of a license, the national criminal  
5 history check shall be repeated to determine the occurrence  
6 of criminal violations occurring during the previous period  
7 of licensure. Fees for the national criminal history check  
8 shall be paid by the applicant or the applicant's employer.  
9 The results of a criminal history check conducted pursuant to  
10 this subsection shall be considered a confidential record under  
11 chapter 22.

12 ~~3.~~ 4. Except as permitted in section 101A.3 and sections  
13 101A.9 to 101A.11, it shall be unlawful for any person to  
14 willfully manufacture, import, store, detonate, sell, or  
15 otherwise transfer any explosive materials unless such person  
16 is the holder of a valid license issued pursuant to this  
17 section.

18 ~~4.~~ 5. Commercial dealers having a federal firearms license  
19 shall be exempt from the requirement or the commercial license  
20 requirement of this chapter for importation, distribution,  
21 sale, transportation, storage and possession of smokeless  
22 powder propellants or black sporting powder propellants  
23 provided that such dealer must conform and comply to rules,  
24 or ordinances of federal, state, or city authorities having  
25 jurisdiction of such powder.

26 Sec. 2. Section 101A.3, subsection 1, Code 2013, is amended  
27 to read as follows:

28 1. User's permits to purchase, possess, transport, store,  
29 and detonate explosive materials shall be issued by the sheriff  
30 of the county or the chief of police of a city of ten thousand  
31 population or more where the possession and detonation will  
32 occur. If the possession and detonation are to occur in more  
33 than one county or city, then such permits must be issued by  
34 the sheriff or chief of police of each of such counties or  
35 cities, except in counties and cities in which the explosives

1 are possessed for the sole purpose of transporting them  
2 through such counties and cities. A permit shall not be issued  
3 unless the sheriff or chief of police having jurisdiction is  
4 satisfied that possession and detonation of explosive materials  
5 is necessary to the applicant's business or to improve the  
6 applicant's property. Permits shall be issued only to persons  
7 who, in the discretion of the sheriff or chief of police, are  
8 of good character and sound judgment, and have sufficient  
9 knowledge of the use and handling of explosive materials to  
10 protect the public safety. Applicants shall be subject to the  
11 criminal history check provisions of section 103A.2, subsection  
12 3. The state fire marshal shall prescribe, have printed, and  
13 distribute permit application forms to all local permit issuing  
14 authorities.

15 Sec. 3. Section 101A.14, subsection 1, Code 2013, is amended  
16 to read as follows:

17 1. Any person who violates the provisions of section 101A.2,  
18 subsection 3 4, or section 101A.3, subsection 4, commits a  
19 public offense and, upon conviction, shall be guilty of a class  
20 "C" felony.

21 EXPLANATION

22 This bill concerns licensing and permitting requirements  
23 applicable to explosives.

24 The bill changes the current period of licensure from  
25 one to three years. The bill additionally provides that  
26 prior to the issuance or renewal of a license, or issuance  
27 of a user's permit, an applicant shall be subject to a  
28 national criminal history check through the federal bureau of  
29 investigation. The bill specifies that fees for the national  
30 criminal history check shall be paid by the applicant or the  
31 applicant's employer, and that the results shall be considered  
32 a confidential record under Code chapter 22. The bill further  
33 provides that the results of the national criminal history  
34 check may be reason for the state fire marshal to revoke or  
35 suspend a license and, by operation of law, an explosive

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1 materials user's permit by the issuer of the permit.