

House File 223 - Introduced

HOUSE FILE 223

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 12)

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 101A.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.