

## Maryland Code/PUBLIC SAFETY/TITLE 11. EXPLOSIVES

### TITLE 11. EXPLOSIVES

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**Maryland Code/PUBLIC SAFETY/TITLE 11. EXPLOSIVES**

**SUBTITLE 1. LICENSES TO ENGAGE IN BUSINESS AS MANUFACTURER  
OR DEALER OR TO POSSESS EXPLOSIVES**

**§ 11-101. Definitions.**

(a) In general.- In this subtitle the following words have the meanings indicated.

*Revisor's Note.*

*This subsection is new language derived without substantive change from the introductory language of former Art. 38A, § 26.*

*It is revised in the standard introductory language used for a definition section.*

(b) Dealer.-

(1) "Dealer" means a person who is engaged in the business of buying or selling explosives.

(2) "Dealer" does not include a manufacturer.

*Revisor's Note.*

*This subsection is new language derived without substantive change from former Art. 38A, § 26(4).*

(c) Explosives.-

(1) "Explosives" means gunpowder, powders for blasting, high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, and any chemical compound or mechanical mixture that contains oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may and is intended to cause an explosion.

(2) "Explosives" includes bombs and destructive devices designed to operate by chemical, mechanical, or explosive action.

(3) "Explosives" does not include fixed ammunition for small arms, small arms ammunition primers, small arms percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, friction primers, fireworks, or common matches when used in their original configuration.

*Revisor's Note.*

*This subsection is new language derived without substantive change from former Art. 38A, § 26(1).*

*In paragraph (1) of this subsection, a comma is added after "high*

*explosives" to clarify that "high explosives" does not modify "blasting materials".*

- (d) Explosives for use in firearms.- "Explosives for use in firearms" means:
- (1) smokeless powder for loading or reloading small arms ammunition; or
  - (2) black powder for loading or reloading small arms ammunition, antique arms, or replicas of antique arms.

*Revisor's Note.*

*This subsection formerly was Art. 38A, § 26(6).*

*The only changes are in style.*

- (e) Local licensing authority.- "Local licensing authority" means the sheriff or chief of police of the county or community where the applicant for a license resides or has a regular place of business.

*Revisor's Note.*

*This subsection formerly was Art. 38A, § 26(5).*

*The reference to "a regular place of business" is added to conform with the requirement in former Art. 38A, § 28(c) that an application for a license to possess explosives be made to the local licensing authority where the applicant resides or has a regular place of business.*

- (f) Manufacturer.- "Manufacturer" means a person who manufactures or otherwise produces explosives.

*Revisor's Note.*

*This subsection formerly was Art. 38A, § 26(3).*

*The only changes are in style.*

[An. Code 1957, art. 38A, § 26; 2003, ch. 5, § 2.]

#### **§ 11-102. Scope of subtitle.**

- (a) Transportation of explosives.- This subtitle does not apply to explosives while being transported on vessels, vehicles, or railroad cars, or while being held for delivery, if the transportation or delivery is subject to and conforms with regulations adopted by the United States Department of Transportation or United States Coast Guard.

- (b) Safety signals.- This subtitle does not apply to the receipt, possession, and use of signals required for the safe operation of vessels, motor vehicles, railroad cars, or aircraft by their operators.

[An. Code 1957, art. 38A, § 35; 2003, ch. 5, § 2.]

#### **§ 11-103. Regulations.**

The State Fire Prevention Commission may adopt regulations to carry out this subtitle.

[An. Code 1957, art. 38A, § 33; 2003, ch. 5, § 2.]

**§ 11-104. Powers of State Fire Marshal.**

(a) Investigations of explosions and fires - In general.-

- (1) The State Fire Marshal may investigate an explosion or fire that occurs in any place where explosives or ingredients for explosives are manufactured, transported, stored, or used.
- (2) The State Fire Marshal may investigate an explosion, accident, or fire if there is reason to believe explosives were involved.

(b) Same - Report of findings.- The State Fire Marshal may report the findings of an investigation under subsection (a) of this section to federal or State authorities:

- (1) if the explosion or fire was a willful act, for criminal prosecution of the person causing the willful act; or
- (2) if the explosion or fire was accidental, so that precautions may be taken to prevent similar accidents from occurring.

(c) Same - Authority of employees to enter premises.-

- (1) In an investigation under subsection (a) of this section, the employees under the direction of the State Fire Marshal may enter the premises where the explosion or fire has occurred to:
  - (i) examine documents; or
  - (ii) administer oaths to and examine witnesses and other persons concerned.
- (2) The owner, lessee, or operator of the premises where the explosion or fire has occurred, or an agent of these persons, may not hinder the actions of an employee of the State Fire Marshal described under paragraph (1) of this subsection.

(d) Fee for inspection of explosive haulers' vehicles.- The State Fire Marshal may collect a fee of \$20 for inspection of the vehicle of an explosive hauler.

[An. Code 1957, art. 38A, §§ 32(d), 33; 2003, ch. 5, § 2; ch. 128.]

**§ 11-105. License required; exceptions.**

(a) In general.- Except as otherwise provided in this subtitle, a person shall obtain a license issued under this subtitle before the person engages in business as a manufacturer or dealer, possesses explosives other than explosives for use in firearms, or possesses or stores explosives for use in firearms in the State.

(b) License to engage in business as dealer required.-

- (1) A person shall obtain a license to engage in business as a dealer

under this subtitle before the person engages in the business of loading or reloading small arms ammunition in the State.

(2) The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, shall obtain a license to engage in business as a dealer under this subtitle.

(c) Exceptions - Armed forces and others handling explosives.- This section does not apply to the armed forces of the United States, the National Guard, the State Guard, or officers or employees of the United States, the State, or a local subdivision of the State who are authorized to handle explosives in the performance of their duties.

(d) Same - Possession of explosives for use in firearms.-

(1) Subject to paragraph (2) of this subsection, a person need not obtain a license to possess or store up to 5 pounds of smokeless powder for the loading or reloading of small arms ammunition, and up to 5 pounds of black powder for the loading or reloading of small arms ammunition or for use in the loading of antique arms or replicas of antique arms, if the smokeless powder and black powder are stored in their original shipping containers and are possessed only for personal use in firearms.

(2) A person may not possess or store explosives for use in firearms in any quantity in multifamily dwellings, apartments, dormitories, hotels, schools, other public buildings, or buildings or structures open for public use.

(3) Notwithstanding paragraph (2) of this subsection, the State Fire Marshal may issue a permit to allow temporary possession of explosives for use in firearms in a building or structure open for public use.

[An. Code 1957, art. 38A, §§ 27, 27A, 27B, 29, 35; 2003, ch. 5, § 2.]

#### **§ 11-106. Applications for licenses.**

(a) In general.-

(1) An applicant for a license to engage in business as a manufacturer or dealer, to possess explosives other than explosives for use in firearms, or to possess explosives for use in firearms, and an applicant for a blaster's permit shall:

(i) submit an application to the State Fire Marshal on the form that the State Fire Marshal provides;

(ii) submit the documents required under this section; and

(iii) pay to the State Fire Marshal the fees required under subsection (d) of this section and the cost of the criminal history records check.

(2) The application form shall require the following information:

(i) the name and address of the applicant;

(ii) the reason for desiring the requested license or permit;

(iii) if the applicant is an individual, the citizenship of the individual;

(iv) if the applicant is a partnership, association, or corporation, the names, addresses, and citizenship of the partners of the partnership or

officers and directors of the association or corporation; and  
(v) proof of liability insurance in the amount that the State Fire Prevention Commission sets.

(b) Fingerprints.- As part of the application for a license or permit, the applicant shall submit to the State Fire Marshal the fingerprints required under subsection (e)(3)(i) of this section for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

(c) Additional information for license to possess explosives.- As part of the application for a license or permit, the State Fire Marshal shall require the applicant to submit with the application:

- (1) the place where the explosives will be stored;
- (2) the place where the explosives will be used; and
- (3) the specific purpose for using the explosives.

(d) Fees.- Each application for a license or permit shall be accompanied by the following fee:

- (1) license to engage in business as a manufacturer of:
  - (i) less than 500 pounds of explosives ..... \$150
  - (ii) 500 pounds or more of explosives but less than 5,000 pounds ..... \$300
  - (iii) 5,000 pounds or more of explosives but less than 10,000 pounds ..... \$750
  - (iv) 10,000 pounds or more of explosives ..... \$1,500
- (2) license to engage in business as a dealer for:
  - (i) retail only ..... \$75
  - (ii) users ..... \$150
  - (iii) wholesale and retail ..... \$300
- (3) license to possess explosives other than for use in firearms ..... \$150
- (4) license to possess explosives for use in firearms ..... \$150
- (5) storage license for:
  - (i) Class A - 500 pounds or more of explosives ..... \$150
  - (ii) Class B - less than 500 pounds of explosives ..... \$75
- (6) blaster's permit ..... \$60

(e) Criminal history records check.-

(1) In this subsection, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(2) The State Fire Marshal shall apply to the Central Repository for a State and national criminal history records check for each applicant and each officer, agent, or employee of the applicant who will be handling explosives.

(3) As part of the application for a criminal history records check, the State Fire Marshal shall submit to the Central Repository:

- (i) two complete sets of legible fingerprints of each applicant and each officer, agent, or employee of the applicant who will be handling explosives, taken on forms approved by the Central Repository and the Federal Bureau of Investigation;
- (ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
- (iii) the mandatory processing fee required by the Federal Bureau of

Investigation for a national criminal history records check.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the State Fire Marshal a printed statement of the criminal history record information of the subject of the criminal history records check.

(5) Information obtained from the Central Repository under this subsection:

(i) shall be confidential and may not be disseminated; and

(ii) shall be used only for the purpose authorized by this subsection.

(6) The subject of a criminal history records check under this subsection may challenge the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

[An. Code 1957, art. 38A, §§ 28(a)-(d), 32(c); 2003, ch. 5, § 2; ch. 128.]

### **§ 11-107. Issuance of license.**

(a) In general.- The State Fire Marshal shall issue a license or permit to each applicant who meets the requirements of this subtitle.

(b) Denial of application - Grounds.- Subject to subsection (c) of this section, the State Fire Marshal shall deny an application for a license or permit if the State Fire Marshal finds that:

(1) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is not sufficiently experienced and will not work under satisfactory supervision in manufacturing, dealing in, or handling of explosives, as applicable;

(2) the applicant lacks suitable facilities for manufacturing, dealing in, or handling explosives;

(3) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been convicted of a felony or crime involving violence;

(4) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is disloyal to the United States or has renounced United States citizenship;

(5) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, will use the explosives for an illegal purpose;

(6) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is a fugitive as defined in § 9-401 of the Criminal Law Article;

(7) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been adjudicated mentally defective as defined in § 3-301 of the Criminal Law Article;

(8) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been committed to a mental institution;

(9) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, has been dishonorably discharged from the United States military;

(10) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is an alien other than an alien authorized to

- receive explosives under the federal Safe Explosives Act;
- (11) the applicant, or an officer, agent, or employee of the applicant who will be handling explosives, is a user of, or addicted to, a controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (12) the application contains false information; or
- (13) the application fails to provide required information.

(c) Same - Exceptions.-

- (1) An applicant for a license to possess explosives for use in firearms need not have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives.
- (2) An applicant for a license to possess explosives to be used for agricultural purposes need not:
  - (i) have sufficient experience in handling explosives or work under satisfactory supervision in handling explosives; or
  - (ii) have suitable facilities for handling explosives.

(d) Certification of compliance with Workers' Compensation Act.- Before a license or permit may be issued under this subtitle to an employer to engage in an activity in which the employer may employ a covered employee, as defined in § 9-101 of the Labor and Employment Article, the employer shall file with the State Fire Marshal:

- (1) a certificate of compliance with the Maryland Workers' Compensation Act; or
- (2) the number of a workers' compensation insurance policy or binder.

(e) Notice of issuance.- On issuance of a license or permit under this section, the State Fire Marshal shall notify:

- (1) the fire chief or fire administrator in the county where the license or permit was issued; or
- (2) if the county does not have a county fire chief or fire administrator, the local 9-1-1 center.

[An. Code 1957, art. 38A, §§ 28(a)-(e), 29A; 2003, ch. 5, § 2; ch. 128.]

**§ 11-108. Scope of license to engage in business as dealer.**

A license to engage in business as a dealer authorizes the licensee to store 1.4 G fireworks and 1.3 G display fireworks at approved locations in storage buildings approved by the State Fire Marshal or the local authority with jurisdiction over local fire prevention codes.

[An. Code 1957, art. 38A, § 19(e); 2003, ch. 5, § 2.]

**§ 11-109. Term of license.**

A license issued under this subtitle expires on the first anniversary of its effective date unless sooner revoked.

[An. Code 1957, art. 38A, § 32(b); 2003, ch. 5, § 2.]



**§ 11-110. Employees of businesses or operations that use explosives.**

(a) Sale or issuance of explosives to employees.- The owner or operator of a mine, quarry, or other operation or business that uses explosives, or a contractor who performs work that uses explosives, required to obtain a license to engage in business as a dealer under this subtitle:

- (1) may issue or sell to each employee only the amount of explosives as is reasonably required by that employee to perform the employee's duties;
- (2) shall ensure that any explosives issued or sold to an employee are not taken by the employee to a place not necessary for the employee to perform the employee's duties; and
- (3) shall ensure that any unused explosives are returned to the owner, operator, or contractor on termination of the work for which the explosives were issued or sold to the employee.

(b) License not required.- Regardless of whether the owner, operator, or contractor has obtained a license to engage in business as a dealer, an employee of the owner, operator, or contractor need not obtain a license to possess explosives other than explosives for use in firearms in order to possess explosives issued or sold to the employee by the owner, operator, or contractor.

[An. Code 1957, art. 38A, § 29; 2003, ch. 5, § 2.]

**§ 11-111. Revocations of licenses.**

A license issued under this subtitle may be revoked by the State Fire Marshal for:

- (1) a ground specified under § 11-107 of this subtitle for denying an application for a license; or
- (2) a violation of regulations adopted by the State Fire Prevention Commission to regulate the use, handling, and storage of explosives.

[An. Code 1957, art. 38A, § 32(a); 2003, ch. 5, § 2.]

**§ 11-112. Records and reports of manufacturers and dealers.**

(a) Records.-

- (1) Each manufacturer and each dealer shall keep, for all explosives shipped, purchased, or sold, a record that includes:
  - (i) the name and address of each consignee, buyer, or seller of the explosives;
  - (ii) the date of each shipment, purchase, or sale; and
  - (iii) the amount and description of the explosives.
- (2) Each record kept under this subsection shall at all times be open for inspection by agents of the licensing authority and by federal, State, and local law enforcement officers.
- (3)
  - (i) Subject to subparagraph (ii) of this paragraph, each manufacturer and each dealer shall provide a copy of each record kept under this subsection to the State Fire Marshal in the form that the State Fire

Marshal requires.

(ii) A record kept under this subsection shall be provided on request, but need not be filed more than once in each calendar month.

(b) Reports to licensing authorities.-

(1) Subject to paragraph (2) of this subsection, each manufacturer shall file with the licensing authority of each state, other than this State, to which explosives have been shipped by the manufacturer, a report that includes:

(i) the name of each buyer to whom explosives have been shipped in that state; and

(ii) the amount and description of the explosives.

(2) A report required under paragraph (1) of this subsection shall be filed on request, but need not be filed more than once in each calendar month.

(3) In like manner, each manufacturer shall file with the State Fire Marshal a report that includes:

(i) the name of each buyer of explosives in this State; and

(ii) the amount and description of the explosives.

[An. Code 1957, art. 38A, § 30; 2003, ch. 5, § 2.]

#### **§ 11-113. Reports of theft of explosives.**

Each theft or other unauthorized taking of explosives from a licensee under this subtitle shall be reported by the licensee to the State Fire Marshal:

(1) immediately by telephone; and

(2) by a written report in the form required by the State Fire Marshal.

[An. Code 1957, art. 38A, § 33A; 2003, ch. 5, § 2.]

#### **§ 11-114. Prohibited acts; penalty - In general.**

(a) Engaging in business as manufacturer or dealer without license prohibited.- Except as otherwise provided in this subtitle, a person may not engage in business as a manufacturer or dealer in the State unless the person is licensed under this subtitle.

(b) Possession of explosives other than explosives for use in firearms without license prohibited.- Except as otherwise provided in this subtitle, a person may not possess explosives other than explosives for use in firearms in the State unless the person is licensed under this subtitle.

(c) Sale to unlicensed persons prohibited.- Except as otherwise provided in this subtitle, a dealer may not sell, barter, give, or dispose of explosives other than explosives for use in firearms to a person unless the person is licensed under this subtitle.

(d) Engaging in business as dealer without license prohibited.- The owner or operator of a mine, quarry, or other operation that uses explosives,

and a contractor performing work that uses explosives, may not engage in business as a dealer in the State unless the person is licensed under this subtitle.

(e) Prohibitions on employees.- An employee of an owner or operator of a mine, quarry, or other operation that uses explosives, or of a contractor performing work that uses explosives, may not possess explosives in a place not necessary for the employee to perform the employee's duties unless the employee is licensed to possess explosives under this subtitle.

(f) Violation of regulations prohibited.- A person may not violate a regulation adopted under this subtitle.

(g) Penalty.- Except as otherwise provided in § 11-116 of this subtitle, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

[An. Code 1957, art. 38A, §§ 27, 27A, 29, 31, 34, 34C; 2003, ch. 5, § 2.]

**§ 11-115. Same - Explosives for use in firearms; required reports.**

(a) Prohibitions on possession or storage of explosives for use in firearms.-

(1) A person may not possess at any time or store in any one place more than 5 pounds of smokeless powder or more than 5 pounds of black powder for use in firearms unless the person is licensed under this subtitle.

(2) A person may not engage in the business of loading or reloading small arms ammunition unless the person is licensed to engage in business as a dealer under this subtitle.

(3) Except as otherwise provided in this subtitle, a person may not possess or store explosives for use in firearms in any quantity in multifamily dwellings, apartments, dormitories, hotels, schools or other public buildings, or buildings or structures open for public use.

(b) Prohibition on sale of explosives for use in firearms.- A dealer may not sell, barter, give, or dispose of more than 5 pounds of black powder or more than 5 pounds of smokeless powder for use in firearms to any one person at any one time unless the person is licensed under this subtitle.

(c) Failure to file reports or records prohibited.- A person may not fail to file reports or records required under § 11-112 of this subtitle.

(d) Failure to file report of theft prohibited.- A person may not fail to file a report of theft of explosives required under § 11-113 of this subtitle.

(e) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

[An. Code 1957, art. 38A, §§ 27B(b), (c), (d)(1), 31A, 34D; 2003, ch. 5, § 2; ch. 21, § 7.]

**§ 11-116. Additional penalties.**

(a) For violation of § 11-114(b).-

(1) Except as otherwise provided in paragraph (2) of this subsection, a person who violates § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who neither intended to use nor used the explosives involved in violation of:

- (i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;
- (ii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;
- (iii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;
- (iv) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the Commercial Law Article;
- (v) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;
- (vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;
- (vii) Title 5, Subtitle 10A of the Environment Article;
- (viii) § 5-503 of the Family Law Article;
- (ix) Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;
- (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(b), as it relates to Harford County, or (d), as it relates to Anne Arundel County or Caroline County, of the Natural Resources Article;
- (xi) § 14-127 of the Real Property Article;
- (xii) Article 2B, Title 22 or § 18-104 of the Code;
- (xiii) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;
- (xiv) § 109 of the Code of Public Local Laws of Caroline County;
- (xv) § 4-103 of the Code of Public Local Laws of Carroll County; or
- (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County.

(b) For violation of § 11-114(c) or conspiracy to violate § 11-114(b).-

(1) Except as otherwise provided in paragraph (2) of this subsection, a person who violates § 11-114(c) of this subtitle or who conspires to

violate § 11-114(b) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$10,000 or both.

(2) Paragraph (1) of this subsection does not apply to a person who had probable cause to believe that the explosives involved would be used for a purpose other than the violation of:

- (i) Title 3, Subtitle 1 or Subtitle 5, Title 5, Subtitle 1, Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or § 12-701 of this article;
- (ii) Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1 of the Agriculture Article;
- (iii) Title 19, Subtitle 2 or Subtitle 3 of the Business Regulation Article;
- (iv) Title 14, Subtitle 29, § 11-810, § 14-1316, or § 14-1317 of the Commercial Law Article;
- (v) § 3-218, § 3-305(c)(2), § 3-409(a) or (c), § 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), § 11-702(d)(8), § 11-703(d)(5)(iii), § 11-706(b)(8), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), § 11-714(c)(6), § 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services Article;
- (vi) the Criminal Law Article other than Title 8, Subtitle 2, Part II or § 10-614;
- (vii) Title 5, Subtitle 10A of the Environment Article;
- (viii) § 5-503 of the Family Law Article;
- (ix) Title 20, Subtitle 7 or § 21-259.1 of the Health-General Article;
- (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1, § 8-740.1, or § 10-411(b), as it relates to Harford County, or (d), as it relates to Anne Arundel County or Caroline County, of the Natural Resources Article;
- (xi) § 14-127 of the Real Property Article;
- (xii) Article 2B, Title 22 or § 18-104 of the Code;
- (xiii) Article 24, § 11-512, § 11-513, or § 11-514 of the Code;
- (xiv) § 109 of the Code of Public Local Laws of Caroline County;
- (xv) § 4-103 of the Code of Public Local Laws of Carroll County; or
- (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County.

[An. Code 1957, art. 38A, §§ 34A, 34B; 2003, ch. 5, § 2; ch. 17.]

### **§ 11-117. Merger of convictions; preemption among penalties.**

(a) Merger of convictions.- If a person has been convicted of a violation of § 11-114(a) and (b) of this subtitle, or of a violation of § 11-115(a) and 11-114(b) of this subtitle, and the convictions arise out of the same transaction, the conviction under § 11-114(a) or § 11-115(a) of this subtitle merges into the conviction under § 11-114(b) of this subtitle.

(b) Preemption among penalties.- If a person has been convicted of two or more violations under this subtitle and has been penalized under § 11-114(g), § 11-115(e), or § 11-116 of this subtitle for one violation, the person is not subject to an additional penalty under § 11-116 of this subtitle.

[An. Code 1957, art. 38A, § 34E; 2003, ch. 5, § 2.]

**§ 11-118. Procedures for action under subtitle.**

In an action under this subtitle:

- (1) the State need not disprove any exception, excuse, proviso, or exemption under this subtitle; and
- (2) the burden of proof of an exception, excuse, proviso, or exemption is on the defendant or the holder of any alleged security interest, as the case may be.

[An. Code 1957, art. 38A, § 34G; 2003, ch. 5, § 2.]

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**SUBTITLE 2. EXPLOSIVES ADVISORY COUNCIL**

**§ 11-201. Definitions.**

(a) In general.- In this subtitle the following words have the meanings indicated.

*Revisor's Note.*

*This subsection formerly was Art. 88B, § 30A(a)(1).*

*The reference to this "subtitle" is substituted for the former reference to this "section" to reflect the reorganization of former § 30A as a subtitle in this revision.*

*No other changes are made.*

(b) Council.- "Council" means the Explosives Advisory Council.

*Revisor's Note.*

*This subsection is new language added to avoid repetition of the full title "Explosives Advisory Council".*

(c) Department.- "Department" means the Department of State Police.

*Revisor's Note.*

*This subsection formerly was Art. 88B, § 30A(a)(2).*

*No changes are made.*

(d) Explosives.-

- (1) "Explosives" means chemical compounds, mixtures, or devices, the primary purpose of which is to function by explosion.
- (2) "Explosives" includes:
  - (i) dynamite;
  - (ii) other high explosives;
  - (iii) black powder;
  - (iv) pellet powder;

- (v) initiating explosives;
- (vi) detonators;
- (vii) safety fuses;
- (viii) squibs;
- (ix) detonating cord;
- (x) igniter cord; and
- (xi) igniters.

*Revisor's Note.*

*This subsection formerly was Art. 88B, § 30A(a)(3).*

*The only changes are in style.*

[An. Code 1957, art. 88B, § 30A(a); 2003, ch. 5, § 2.]

**§ 11-202. Established; status.**

(a) Established.- There is an Explosives Advisory Council in the Department.

(b) Status.- The Council is independent of the Department, except for staff assistance and supplies that may be provided by the Department to the Council.

[An. Code 1957, art. 88B, § 30A(b), (f); 2003, ch. 5, § 2.]

**§ 11-203. Membership.**

(a) Composition; appointment of members.-

(1) The Council consists of 19 members appointed by the Governor.

(2) Of the 19 members:

(i) five members shall be appointed from explosives user industries, with one member appointed from each of the following industries:

1. coal mining;
2. utility construction;
3. explosives distribution;
4. quarry or aggregate mining; and
5. home or commercial construction;

(ii) five members shall be appointed from explosives regulatory units, with one member appointed from each of the following units:

1. Division of Labor and Industry of the Department of Labor, Licensing, and Regulation;
2. State Fire Marshal;
3. State Fire Prevention Commission;
4. Bureau of Mines of the Department of the Environment; and
5. Department of Natural Resources;

(iii) five members shall be appointed from the public, with one member appointed from each of the following geographic regions of the State:

1. western;
2. central;
3. metropolitan, including Baltimore and Washington, D.C.;
4. southern; and

- 5. eastern shore;
  - (iv) two members shall be appointed from the scientific community, with one member appointed from each of the following areas of scientific specialization:
    - 1. vibration technology; and
    - 2. pyrotechnics; and
  - (v) two members shall be ex officio members, whom the Governor may choose from administrative units of the State.
- (b) Tenure; vacancies.-
- (1) The term of a member is 5 years.
  - (2) The terms of members are staggered as required by the terms provided for members of the Council on October 1, 2003.
  - (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
  - (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
  - (5) If a vacancy occurs, the Council shall recommend a replacement to the Governor.

[An. Code 1957, art. 88B, § 30A(c); 2003, ch. 5, § 2.]

**§ 11-204. Officers.**

The Governor shall appoint a chairman and a vice chairman from among the Council members.

[An. Code 1957, art. 88B, § 30A(d); 2003, ch. 5, § 2.]

**§ 11-205. Meetings; compensation; subgroups.**

(a) Meetings.- The Council shall meet 6 times a year, or as needed, at the times and places determined by the chairman.

(b) Compensation and reimbursement for expenses.- A member of the Council:

- (1) may not receive compensation as a member of the Council; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) Subgroups.- The chairman may divide the members into subgroups or committees as needed.

[An. Code 1957, art. 88B, § 30A(e); 2003, ch. 5, § 2.]

**§ 11-206. Duties.**

The Council shall:

- (1) advise, assist, and recommend to the Department regulations for the



storage, use, manufacture, and transportation of designated explosives materials;

(2) continually review new developments in the explosives industry including:

- (i) safety precautions for manufacturers, users, and distributors;
- (ii) techniques for blasting; and
- (iii) federal regulation of explosives;

(3) review any proposed regulation of the Department that affects the manufacture, use, or distribution of explosives;

(4) recommend to the Department revisions or additions to State law that regulates any aspect of the manufacture, use, or distribution of explosives;

(5) conduct forums to disseminate information and educate the public about the manufacture, use, or distribution of explosives;

(6) submit an annual report to the Governor, Secretary of State Police, and State Fire Marshal; and

(7) periodically assess the performance and sufficiency of the Council as now constituted and recommend changes as necessary.

[An. Code 1957, art. 88B, § 30A(g); 2003, ch. 5, § 2.]

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