

No. 1982-57

AN ACT

HB 617

Amending the act of July 1, 1937 (P.L.2681, No.537), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," exempting the storage of certain explosives from regulation by the department and requiring certain quantities of explosives in commercial establishments to be stored in specified magazines and imposing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of July 1, 1937 (P.L.2681, No.537), entitled "An act relating to, and regulating the manufacture, storing, and possession of explosives; requiring permits for magazines, and prescribing permit fees; and providing penalties," is amended by adding sections to read:

Section 10.1. (a) Possession and storage of commercially manufactured black powder (in quantities not to exceed ten pounds), percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational, cultural purposes in antique firearms or antique devices as defined in §921(a)(16) of Title 18 of the United States Code shall be exempt from regulation by the Department of Environmental Resources.

(b) Possession and storage of smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use shall be exempt from regulation by the Department of Environmental Resources.

(c) The storage of black powder in quantities not to exceed one thousand pounds shall be in accordance with the storage requirements for low explosives in 27 C.F.R. §181.181 et seq. (Subpart J).

(d) The Department of Environmental Resources may adopt regulations for the storage of black powder in quantities in excess of one thousand pounds.

Section 10.2. (a) No person shall store more than fifty pounds of black powder in a commercial establishment. It shall be unlawful to store black powder in a commercial establishment unless a license to store explosives is obtained from the United States Department of Treasury, Bureau of Alcohol, Tobacco and Firearms. Black powder shall be stored in accordance with 27 C.F.R. §181.90 in a type 4 storage facility which shall be mounted on wheels for easy removal in case of fire.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars (\$500).

Section 2. This act shall take effect in 60 days.

APPROVED—The 13th day of March, A. D. 1982.

DICK THORNBURGH