

Explosives Examination Reference and Study Materials

From the Connecticut General Statutes Sec 29-343 to 29-370



Sec. 29-343. (Formerly Sec. 29-83). *(See end of section for amended version and effective date.) Explosives. Definition. "Explosive", as used in sections 29-344 to 29-349, inclusive, means any chemical compound or any 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 detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous objects, but not including colloidized nitrocellulose in sheets or rods or grains not under one-eighth of an inch in diameter, wet nitrocellulose containing twenty per cent or more moisture and wet nitrostarch containing twenty per cent or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator, including fixed ammunition for small arms, firecrackers, safety fuses and matches. "Explosive", as used in said sections, shall not be deemed to include gasoline, kerosene, naphtha, turpentine or benzine.

(1949 Rev., S. 4131.)

***Note:** On and after January 1, 2013, this section, as amended by section 16 of public act 09-177 and section 6 of public act 10-54, is to read as follows:

"Sec. 29-343. (Formerly Sec. 29-83). Explosives. Definition. "Explosive", as used in this chapter, means any chemical compound or any 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 detonator may cause such a sudden generation of highly heated gases that the resultant gaseous pressure is capable of destroying life or limb or of producing destructive effects to contiguous objects, but not including colloidized nitrocellulose in sheets or rods or grains not under one-eighth of an inch in diameter, wet nitrocellulose containing twenty per cent or more moisture and wet nitrostarch containing twenty per cent or more moisture; and manufactured articles shall not be held to be explosive when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator, including fixed ammunition for small arms, firecrackers, safety fuses and matches. "Explosive", as used in this chapter, shall not be deemed to include gasoline, kerosene, naphtha, turpentine or benzine."

(1949 Rev., S. 4131; P.A. 09-177, S. 16; P.A. 10-54, S. 6.)

History: Sec. 29-83 transferred to Sec. 29-343 in 1983; P.A. 09-177 replaced references to Secs. 29-344 to 29-349 with "this chapter", effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 16, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Annotations to former section 29-83:

Cited. 124 C. 373. Board could reasonably have found plaintiff, in assembling small arms ammunition, was manufacturing explosives and in violation of zoning ordinance which prohibited such manufacture and was not bound by definition of explosives in section 29-83 (29-343) which is limited to sections 29-84 (29-344) to 29-89 (29-349). 155 C. 558.

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Sec. 29-344. (Formerly Sec. 29-84). Reports to Commissioner of Public Safety. Any person engaged in keeping or storing any explosives shall, before engaging in the keeping or storing of such explosives, make a report to the Commissioner of Public Safety stating: The location of the magazine, if existing, or, in case of a new magazine, the proposed location of such magazine; the kind of explosives that are kept or stored or intended to be kept or stored and the maximum quantity that is intended to be kept or stored therein; and the distance such magazine is located or intended to be located from the nearest building or highway.

(1949 Rev., S. 4132; P.A. 77-614, S. 486, 610.)

History: P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-84 transferred to Sec. 29-344 in 1983.

Sec. 29-345. (Formerly Sec. 29-85). License and permit verification. Records of disposition of explosives. Each person selling or giving away any explosive shall first ascertain that the purchaser or donee of such explosives has obtained a license and permit required by section 29-349 and shall keep a record in which shall be entered an accurate account of each disposition by such person in the course of business, or otherwise, of any explosive. Such record shall show, in legible writing to be entered therein at the time of disposition of the explosive, a history of such transaction, showing the name and quantity of the explosive, the name and place of residence and business of the purchaser or donee, and the name and address of the individual to whom delivered. Such record shall be kept by such person in his principal office or place of business in this state and shall be subject to examination by any military authority, the Commissioner of Public Safety, his deputies and the police officers of the municipality where situated. Any such authority may at any time require any such dealer to produce such record for the year previous. Nothing in this section shall apply to any transaction when such explosive is to be shipped by common carrier to a point outside this state and for use outside this state.

(1949 Rev., S. 4133; 1971, P.A. 391, S. 1; P.A. 77-614, S. 486, 610.)

History: 1971 act required that person selling or giving away explosives ascertain that purchaser or donee has obtained the required license and permit and replaced reference to "sales" with references to "dispositions" or "transactions"; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-85 transferred to Sec. 29-345 in 1983.

Sec. 29-346. (Formerly Sec. 29-86). Custodian to report. Any person not referred to in sections 29-344 and 29-345, having in his possession any explosive, shall report the amount and kind thereof to the Commissioner of Public Safety within ten days after purchase of the same and the purpose for which such explosive is to be used.

(1949 Rev., S. 4134; P.A. 77-614, S. 486, 610.)

History: P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-86 transferred to Sec. 29-346 in 1983.

Sec. 29-347. (Formerly Sec. 29-87). Penalty. Any person who violates any provision of section 29-344, 29-345 or 29-346 shall be fined not more than one thousand dollars or imprisoned not more than six months or both for each offense.

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(1949 Rev., S. 4135.)

History: Sec. 29-87 transferred to Sec. 29-347 in 1983.

Sec. 29-348. (Formerly Sec. 29-88). Illegal possession. Any person, having in his possession any explosive for which he has not a bill of sale or who cannot produce legal evidence showing that he obtained such explosive by a legal transfer, shall be fined not more than ten thousand dollars or imprisoned not more than ten years or both for each offense.

(1949 Rev., S. 4136; 1971, P.A. 391, S. 2.)

History: 1971 act substituted "transfer" for "sale"; Sec. 29-88 transferred to Sec. 29-348 in 1983.

Annotation to former section 29-88:

Cited. 199 C. 591, 593.

Sec. 29-349. (Formerly Sec. 29-89). Storage, transportation and use of explosives and blasting agents. Licenses, permits: Fees, suspension or revocation. Penalty. Jurisdiction of Labor Commissioner. Variations, exemptions or equivalent compliance with regulatory requirements. (a) The Commissioner of Public Safety shall have exclusive jurisdiction in the preparation of and may enforce reasonable regulations for the safe and convenient storage, transportation and use of explosives and blasting agents used in connection therewith, which regulations shall deal in particular with the quantity and character of explosives and blasting agents to be stored, transported and used, the proximity of such storage to inhabited dwellings or other occupied buildings, public highways and railroad tracks, the character and construction of suitable magazines for such storage, protective measures to secure such stored explosives and blasting agents and the abatement of any hazard that may arise incident to the storage, transportation or use of such explosives and blasting agents.

(b) No person, firm or corporation shall engage in any activity concerning the storage, transportation or use of explosives unless such person, firm or corporation has obtained a license therefor from the Commissioner of Public Safety. Such license shall be issued upon payment of a fee of two hundred dollars and upon submission by the applicant of evidence of good moral character and of competence in the control and handling of explosives, provided, if such license is for the use of explosives, it may be issued only to an individual person after demonstration that such individual is technically qualified to detonate explosives. Any such license to use explosives shall bear both the fingerprints of the licensee obtained by the Commissioner of Public Safety at the time of licensing, and the licensee's photograph, furnished by the licensee, of a size specified by the commissioner and taken not more than one year prior to the issuance of the license. Each such license shall be valid for one year from the date of its issuance, unless sooner revoked or suspended, and may be renewed annually thereafter upon a payment of one hundred fifty dollars.

(c) The Commissioner of Public Safety shall require any applicant for a license under this section to submit to state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

(d) No person shall manufacture, keep, store, sell or deal in any explosives unless such person has a valid license under the provisions of subsection (b) of this section and obtains from the Commissioner of Public Safety or from the fire marshal of the town where such business is conducted a written permit therefor, which

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permit shall not be valid for more than one year and for which such person shall pay a fee of one hundred dollars. If the permit is issued by the Commissioner of Public Safety, the commissioner shall forward a copy thereof to the local fire marshal. Such permit so granted shall definitely state the location of the building where such business is to be carried on or such explosive deposited and shall state that such building or premises complies with the regulations provided for in this section.

(e) No person shall procure, transport or use any explosives unless such person has a valid license under subsection (b) of this section and has obtained a written permit therefor signed by the Commissioner of Public Safety or by the fire marshal of the town where such explosive is to be used, specifying the name of the purchaser, the amount to be purchased and transported and the purpose for which it is to be used. Any such permit to use explosives shall state the number of years the permittee has been engaged in blasting activity. Such permit shall be valid for such period, not longer than one year, as is required to accomplish the purpose for which it was obtained. No carrier shall transport any such explosive until the vehicle transporting the explosive has been inspected and approved by the Department of Public Safety and unless such written permit accompanies the same and no person shall have in such person's possession any such explosive unless such person has a license and permit therefor. The fee for such inspection shall be one hundred dollars. The fee for such permit shall be sixty dollars. Each person who has in such person's custody or possession any explosive or any detonating caps for explosives shall keep the same either under personal observation or securely locked up.

(f) Any license or permit issued under the provisions of this section may be suspended or revoked by the issuing authority for violation by the licensee or permittee of any provision of law or regulation relating to explosives or conviction of such licensee or permittee of any felony or misdemeanor. Suspension or revocation of a license shall automatically suspend or revoke the permit and the suspension or revocation of a permit shall automatically suspend or revoke the license.

(g) Any person who, by himself or herself or by such person's employee or agent or as the employee or agent of another, violates any provision of this section, or any regulation made by the Commissioner of Public Safety pursuant to the provisions of this section, shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(h) As used in this section, "blasting agent" means any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive as defined in section 29-343, and the finished product of which as mixed and packaged for use or shipment cannot be detonated by the test procedure established by regulations adopted by the Commissioner of Public Safety in accordance with chapter 54.

(i) Notwithstanding the provisions of this section, the Labor Commissioner shall regulate the storage, transportation and use of explosives and blasting agents in places of employment insofar as such activities relate to employee health and safety, provided such regulations shall be no less stringent than those prepared and enforced by the Commissioner of Public Safety pursuant to this section.

(j) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation adopted under this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety.

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(1949 Rev., S. 4137; 1957, P.A. 571; 1959, P.A. 281; 1971, P.A. 391, S. 3; 1972, P.A. 98, S. 1; P.A. 73-132, S. 4; P.A. 77-614, S. 486, 610; P.A. 80-297, S. 12, 20; P.A. 87-130; May Sp. Sess. P.A. 92-6, S. 65, 66, 117; P.A. 99-163, S. 6; P.A. 01-175, S. 28, 32; P.A. 05-288, S. 131; June Sp. Sess. P.A. 07-1, S. 150; P.A. 09-35, S. 5; June Sp. Sess. P.A. 09-3, S. 324.)

History: 1959 act authorized regulation of blasting agents in Subsec. (a) and added Subsec. (e) defining the term "blasting agent"; 1971 act authorized regulations re explosives stored near "other occupied buildings" and re "protective measures to secure such stored explosives and blasting agents", inserted new Subsec. (b) re licenses, relettered remaining Subsecs., revised Subsec. (c), formerly (b), to specify required permit, required that permit state number of years permittee has engaged in blasting activities, limited period of validity and imposed \$2 fee for permit, rather than \$0.25 fee in Subsec. (d), formerly (c), inserted new Subsecs. (e) and (f) re required proof of financial responsibility and re suspension or revocation of license or permit and increased maximum fine from \$500 to \$10,000 and maximum prison term from 1 year to 10 years in Subsec. (g), formerly (d); 1972 act repealed Subsec. (e), relettering Subsecs. accordingly; P.A. 73-132 added new Subsec. (h) re labor commissioner's authority to regulate explosives and blasting agents in places of employment; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; P.A. 80-297 increased fee for initial license from \$25 to \$50 and for renewal from \$10 to \$25 in Subsec. (b); Sec. 29-89 transferred to Sec. 29-349 in 1983; P.A. 87-130 amended Subsec. (c) to increase permit fee from \$5 to \$25 and Subsec. (d) to increase permit fee from \$2 to \$20; May Sp. Sess. P.A. 92-6 amended Subsec. (b) to raise fee from \$25 to \$30 and amended Subsec. (d) to provide that vehicles transporting explosives shall be inspected and approved by the department for an inspection fee of \$25; P.A. 99-163 amended Subsec. (g) by transferring regulatory authority from State Fire Marshal to Commissioner of Public Safety; P.A. 01-175 added new Subsec. (c) re criminal history records checks in accordance with Sec. 29-17a, redesignated existing Subsecs. (c) to (h) as Subsecs. (d) to (i) and made technical changes for purposes of gender neutrality in Subsecs. (b), (d), (e) and (g), effective July 1, 2001; P.A. 05-288 made a technical change in Subsecs. (d) and (e), effective July 13, 2005; June Sp. Sess. P.A. 07-1 amended Subsec. (b) to increase fee for licensure from \$50 to \$100, and renewal fee from \$30 to \$75, amended Subsec. (d) to increase permit fee from \$25 to \$50, and amended Subsec. (e) to increase inspection fee from \$25 to \$50 and permit fee from \$20 to \$30, effective July 1, 2007; P.A. 09-35 added Subsec. (j) re variations, exemptions and alternate or equivalent compliance with regulatory requirements; June Sp. Sess. P.A. 09-3 amended Subsecs. (b), (d) and (e) to increase fees and made a technical change in Subsec. (g).

See Sec. 29-355 re appeals from orders relating to explosives, blasting agents and gunpowder.

Annotations to former section 29-89:

History and purpose of statute. 77 C. 121. Mere possession of explosives not a nuisance per se. 124 C. 371. Failure to keep explosives under observation or locked up is negligence per se. Id. Jury could reasonably find that defendant through her husband as agent violated statute. 130 C. 330. Cited. 199 C. 591.

Only the state police may regulate the handling of explosives. The court may not issue an injunction restraining their use. 16 CS 21.

Sec. 29-350. (Formerly Sec. 29-89a). Exceptions. No provision of section 29-343, 29-345, 29-348, 29-349 or 29-355 shall apply to small arms ammunition or components thereof, or to gun powder in quantities of not more than fifty pounds in any one place, or to any materials for hand loading, reloading or custom loading small arms ammunition for hunting or other sporting purposes; and any person, firm or corporation, which has

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obtained and is the holder of either (1) a valid license as an importer, manufacturer, or dealer, or (2) a valid user permit, under the provisions of the federal organized Crime Control Act of 1970, Public Law 91-452, or any law amendatory thereof, shall be entitled to the issuance of a permit and license under said sections; provided blasters, detonators or users of high explosives shall obtain a license of technical qualification under subsection (b) of section 29-349.

(1971, P.A. 391, S. 6.)

History: Sec. 29-89a transferred to Sec. 29-350 in 1983.

Sec. 29-351. (Formerly Sec. 29-90). Transportation of explosives by common carrier. No person shall transport, carry or convey gasoline or any other inflammable and explosive substance, not in use to supply motive power, light or heat, on any vessel, car or vehicle operated in the transportation of passengers by a common carrier, which vessel, car or vehicle is carrying passengers for hire; provided such substances may be transported upon any vessel or railroad car if they are not carried in that part of such vessel or car which is being used for the transportation of passengers for hire, and small arms ammunition in any quantity and such fuses, torpedoes, rockets or other signal devices as may be essential to promote safety in operation may be transported on any vessel, car or vehicle. Nothing in this section shall prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment vessels, cars or vehicles. No person shall bring into or place upon any such vessel, car or vehicle any gasoline or other inflammable and explosive substance except as herein provided. Any person or the officers of any corporation violating any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than six months or both.

(1949 Rev., S. 4138.)

History: Sec. 29-90 transferred to Sec. 29-351 in 1983.

Sec. 29-352. (Formerly Sec. 29-91). Manufacture or storage of explosive material near property of another. No person shall manufacture or store any explosive material or compound, except gunpowder, near another person's property in quantity sufficient to endanger the lives or safety of persons or to injure their property; and any person so offending shall be liable for all damages caused thereby.

(1949 Rev., S. 4130.)

History: Sec. 29-91 transferred to Sec. 29-352 in 1983.

Annotation to former section 29-91:

Cited. 155 C. 563.

Sec. 29-353. (Formerly Sec. 29-93). Explosive compounds to be marked. Any person who knowingly has in his possession any package of nitroglycerine, gunpowder, naphtha or other equally explosive material, not marked with a plain and legible label describing its contents, or who removes any such label or mark, or knowingly delivers to any carrier any such package without such label, shall be fined not more than ten thousand dollars or imprisoned not more than five years.

(1949 Rev., S. 4140.)

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History: Sec. 29-93 transferred to Sec. 29-353 in 1983.

Sec. 29-354. (Formerly Sec. 29-94). Gunpowder may be ordered removed. The fire marshal of any town may, by written order, direct the owner or person having charge of gunpowder within the limits of such town to remove the whole or any part of it at the time and to the place specified in such order; and, if he fails to do so, may cause it to be removed to any place in such town and shall have a lien upon it for all necessary expenses in removing and keeping it. Any person who refuses to remove any gunpowder in his charge, when legally requested by the fire marshal of the town in which the same is deposited or kept, or who does not deposit and keep it at the place legally designated by him, or who keeps more than fifty pounds of gunpowder in any one place, except at such place as may have been previously designated by the fire marshal for that purpose, shall be fined not more than fifty dollars.

(1949 Rev., S. 4141.)

History: Sec. 29-94 transferred to Sec. 29-354 in 1983.

Sec. 29-355. (Formerly Sec. 29-95). Appeal from orders relating to explosives, blasting agents and gunpowder. If any person considers himself aggrieved by the doings of the Commissioner of Public Safety or the fire marshal under section 29-349 or 29-354, he may apply, within thirty days, to the Superior Court, which may grant appropriate relief; but nothing contained herein shall be construed to prevent the transportation of gunpowder, or its deposit for transportation during a period of not over forty-eight hours.

(1949 Rev., S. 4142; 1971, P.A. 391, S. 5; P.A. 76-436, S. 612, 681; P.A. 77-614, S. 486, 610.)

History: 1971 act allowed appeals for grievances resulting from actions of state police commissioner and placed thirty-day time limit for taking appeals; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-95 transferred to Sec. 29-355 in 1983.

Sec. 29-355a. Purchase by and sale to minors of black powder or other explosives, prohibited. (a) No person, firm or corporation may sell at retail any black powder or other explosive to any person under the age of eighteen years unless such purchaser presents a valid hunting license issued pursuant to chapter 490 at the time of purchase.

(b) No person under the age of eighteen years may purchase any black powder or other explosive unless he presents a valid hunting license issued pursuant to chapter 490.

(c) The provisions of subsections (a) and (b) of this section shall not apply to manufactured articles when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units to the injury of life, limb or property by fire, friction, concussion, percussion or detonator.

(d) Any person violating any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than one year or both.

(P.A. 90-207, S. 1.)

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Sec. 29-356. (Formerly Sec. 29-96). Definitions. As used in sections 29-356 to 29-365, inclusive:

(1) "Fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include sparklers and fountains and toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with the regulations of the United States Interstate Commerce Commission or its successor agency for packing and shipping of toy paper caps are used and toy pistol paper caps manufactured as provided therein.

(2) "Sparklers" means a wire or stick coated with pyrotechnic composition that produces a shower of sparks upon ignition.

(3) "Fountain" means any cardboard or heavy paper cone or cylindrical tube containing pyrotechnic mixture that upon ignition produces a shower of colored sparks or smoke. "Fountain" includes, but is not limited to, (A) a spike fountain, which provides a spike for insertion into the ground, (B) a base fountain which has a wooden or plastic base for placing on the ground, or (C) a handle fountain which is a handheld device with a wooden or cardboard handle.

(1949 Rev., S. 4143; 1951, S. 814b-826b; 1953, S. 2006d; P.A. 96-222, S. 20, 41; P.A. 00-198, S. 1, 3; P.A. 06-177, S. 1.)

History: Sec. 29-96 transferred to Sec. 29-356 in 1983; P.A. 96-222 inserted "or its successor agency" after "United States Interstate Commerce Commission", effective July 1, 1996; P.A. 00-198 made a technical change, effective June 1, 2000; P.A. 06-177 extended applicability of definitions to Secs. 29-356 to 29-365, designated existing definition of "fireworks" as Subdiv. (1) and redefined same to exclude sparklers and fountains, and added Subdivs. (2) and (3) defining "sparklers" and "fountain", effective June 9, 2006.

By using term "shower" of smoke, legislature wanted to ensure that the firework must produce either significant amount of sparks or significant amount of smoke to be classified as a fountain. 285 C. 192.

Sec. 29-357. (Formerly Sec. 29-97). *(See end of section for amended version and effective date.) Sale, use and possession of fireworks prohibited. Sale, use and possession of certain sparklers or fountains permitted. Permits for display. Variations or exemptions. Penalty. (a) Except as provided in subsection (b) of this section, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent to sell, use or explode any fireworks. A person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use sparklers or fountains of not more than one hundred grams of pyrotechnic mixture per item, which are nonexplosive and nonaerial, provided (1) such sparklers and fountains do not contain magnesium, except for magnalium or magnesium-aluminum alloy, (2) such sparklers and fountains containing any chlorate or perchlorate salts do not exceed five grams of composition per item, and (3) when more than one fountain is mounted on a common base, the total pyrotechnic composition does not exceed two hundred grams.

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(b) The State Fire Marshal shall adopt reasonable regulations, in accordance with chapter 54, for the granting of permits for supervised displays of fireworks or for the indoor use of pyrotechnics, sparklers and fountains for special effects by municipalities, fair associations, amusement parks, other organizations or groups of individuals or artisans in pursuit of their trade. Such permit may be issued upon application to said State Fire Marshal and after (1) inspection of the site of such display or use by the local fire marshal to determine compliance with the requirements of such regulations, (2) approval of the chiefs of the police and fire departments, or, if there is no police or fire department, of the first selectman, of the municipality wherein the display is to be held as is provided in this section, and (3) the filing of a bond by the applicant as provided in section 29-358. No such display shall be handled or fired by any person until such person has been granted a certificate of competency by the State Fire Marshal, in respect to which a fee of two hundred dollars shall be payable to the State Treasurer when issued and which may be renewed every three years upon payment of a fee of one hundred ninety dollars to the State Treasurer, provided such certificate may be suspended or revoked by said marshal at any time for cause. Such certificate of competency shall attest to the fact that such operator is competent to fire a display. Such display shall be of such a character and so located, discharged or fired as in the opinion of the chiefs of the police and fire departments or such selectman, after proper inspection, will not be hazardous to property or endanger any person or persons. In an aerial bomb, no salute, report or maroon may be used that is composed of a formula of chlorate of potash, sulphur, black needle antimony and dark aluminum. Formulas that may be used in a salute, report or maroon are as follows: (A) Perchlorate of potash, black needle antimony and dark aluminum, and (B) perchlorate of potash, dark aluminum and sulphur. No high explosive such as dynamite, fulminate of mercury or other stimulator for detonating shall be used in any aerial bomb or other pyrotechnics. Application for permits shall be made in writing at least fifteen days prior to the date of display, on such notice as the State Fire Marshal by regulation prescribes, on forms furnished by him, and a fee of one hundred dollars shall be payable to the State Treasurer with each such application. After such permit has been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Any permit issued under the provisions of this section may be suspended or revoked by the State Fire Marshal or the local fire marshal for violation by the permittee of any provision of the general statutes, any regulation or any ordinance relating to fireworks.

(c) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of subsection (b) of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety and shall be made in writing.

(d) Any person, firm or corporation violating the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(1953, 1955, S. 2007d; 1961, P.A. 193; 194; P.A. 76-30, S. 4, 6; P.A. 80-297, S. 13, 20; P.A. 82-344, S. 2, 3; P.A. 84-228, S. 1; P.A. 91-196, S. 3, 4; May Sp. Sess. P.A. 92-6, S. 67, 117; P.A. 99-24, S. 1; P.A. 00-198, S. 2, 3; P.A. 03-231, S. 7; P.A. 06-177, S. 2; June Sp. Sess. P.A. 07-1, S. 151; June Sp. Sess. P.A. 09-3, S. 325.)

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***Note:** On and after January 1, 2013, this section, as amended by section 17 of public act 09-177 and section 6 of public act 10-54, is to read as follows:

"Sec. 29-357. (Formerly Sec. 29-97). Sale, use and possession of fireworks prohibited. Sale, use and possession of certain sparklers or fountains permitted. Permits for display. Variations or exemptions. Penalty. (a) Except as provided in subsection (b) of this section, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent to sell, use or explode any fireworks. A person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use sparklers or fountains of not more than one hundred grams of pyrotechnic mixture per item, which are nonexplosive and nonaerial, provided (1) such sparklers and fountains do not contain magnesium, except for magnalium or magnesium-aluminum alloy, (2) such sparklers and fountains containing any chlorate or perchlorate salts do not exceed five grams of composition per item, and (3) when more than one fountain is mounted on a common base, the total pyrotechnic composition does not exceed two hundred grams.

(b) The State Fire Marshal shall adopt reasonable regulations, in accordance with chapter 54, for the granting of permits for supervised displays of fireworks or for the indoor use of pyrotechnics, sparklers and fountains for special effects by municipalities, fair associations, amusement parks, other organizations or groups of individuals or artisans in pursuit of their trade. Such permit may be issued upon application to said State Fire Marshal and after (1) inspection of the site of such display or use by the local fire marshal to determine compliance with the requirements of such regulations, and (2) approval of the chiefs of the police and fire departments, or, if there is no police or fire department, of the first selectman, of the municipality wherein the display is to be held as is provided in this section. No such display shall be handled or fired by any person until such person has been granted a certificate of competency by the State Fire Marshal, in respect to which a fee of two hundred dollars shall be payable to the State Treasurer when issued and which may be renewed every three years upon payment of a fee of one hundred ninety dollars to the State Treasurer, provided such certificate may be suspended or revoked by said marshal at any time for cause. Such certificate of competency shall attest to the fact that such operator is competent to fire a display. Such display shall be of such a character and so located, discharged or fired as in the opinion of the chiefs of the police and fire departments or such selectman, after proper inspection, will not be hazardous to property or endanger any person or persons. In an aerial bomb, no salute, report or maroon may be used that is composed of a formula of chlorate of potash, sulphur, black needle antimony and dark aluminum. Formulas that may be used in a salute, report or maroon are as follows: (A) Perchlorate of potash, black needle antimony and dark aluminum, and (B) perchlorate of potash, dark aluminum and sulphur. No high explosive such as dynamite, fulminate of mercury or other stimulator for detonating shall be used in any aerial bomb or other pyrotechnics. Application for permits shall be made in writing at least fifteen days prior to the date of display, on such notice as the State Fire Marshal by regulation prescribes, on forms furnished by the State Fire Marshal, and a fee of one hundred dollars shall be payable to the State Treasurer with each such application. After such permit has been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Any permit issued under the provisions of this section may be suspended or revoked by the State Fire Marshal or the local fire marshal for violation by the permittee of any provision of the general statutes, any regulation or any ordinance relating to fireworks.

(c) The State Fire Marshal may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of subsection (b) of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship

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or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the State Fire Marshal, secure the public safety and shall be made in writing.

(d) Any person, firm or corporation violating the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both."

(1953, 1955, S. 2007d; 1961, P.A. 193; 194; P.A. 76-30, S. 4, 6; P.A. 80-297, S. 13, 20; P.A. 82-344, S. 2, 3; P.A. 84-228, S. 1; P.A. 91-196, S. 3, 4; May Sp. Sess. P.A. 92-6, S. 67, 117; P.A. 99-24, S. 1; P.A. 00-198, S. 2, 3; P.A. 03-231, S. 7; P.A. 06-177, S. 2; June Sp. Sess. P.A. 07-1, S. 151; P.A. 09-177, S. 17; June Sp. Sess. P.A. 09-3, S. 325; P.A. 10-54, S. 6.)

History: 1961 acts added requirement for certificate of competency issued by state fire marshal in lieu of approval of person handling display by local authorities and prohibited use of salute, report or maroon composed of formula of chlorate of potash, sulphur, black needle antimony and dark aluminum in aerial bombs, specified formulas that could be used and prohibited use of high explosives in aerial bombs or pyrotechnics; P.A. 76-30 required that permit application be made at least 15 days before date of display; P.A. 80-297 imposed \$25 fee for certificate of competency to be renewed every 3 years upon payment of \$10 renewal fee and imposed \$25 fee for display permit; P.A. 82-344 permitted state fire marshal to adopt regulations for the granting of permits for the indoor use of pyrotechnics for special effects and for artisans in pursuit of their trade; Sec. 29-97 transferred to Sec. 29-357 in 1983; P.A. 84-228 inserted Subsec. indicators, replaced "keep" with "possess", and added Subsec. (c) incorporating penalties for violation of the section formerly set forth in Sec. 29-366 and making the penalty for the sale or possession with intent to sell of fireworks with a value exceeding \$10,000 a class A misdemeanor; P.A. 91-196 added a new Subsec. (c), permitting state fire marshal to grant variations or exemptions from, or approve alternate compliance with, provisions of regulations issued under Subsec. (b), and relettered remaining Subsec. accordingly; May Sp. Sess. P.A. 92-6 amended Subsec. (b) to increase the fee for certificate of competency from \$25 to \$50, for renewal from \$10 to \$30 and for an application for permits from \$25 to \$35; P.A. 99-24 provided for inspection of the site by the local fire marshal, allowed suspension of certificate of competency by the State Fire Marshal and permitted revocation or suspension of the permit by the State Fire Marshal or local fire marshal; P.A. 00-198 amended Subsec. (a) by adding exception re sparklers, effective June 1, 2000; P.A. 03-231 amended Subsec. (b) to make a technical change and amended Subsec. (d) to designate existing exception as Subdiv. (1) and add new Subdiv. (2) to provide that any person, firm or corporation violating Subsec. (b) or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from such violation, such person, firm or corporation shall be fined a maximum of \$10,000 or imprisoned a maximum of 10 years, or both, effective July 9, 2003; P.A. 06-177 amended Subsec. (a) to delete reference to Sec. 29-356, add references to "fountains" and add new Subdivs. (1) to (3) re requirements for sparklers and fountains, and amended Subsec. (b) to add "sparklers and fountains" in provision re permits for displays, effective June 9, 2006; June Sp. Sess. P.A. 07-1 amended Subsec. (b) to increase fee for certificate of competency from \$50 to \$100, to increase renewal fee for such certificate from \$30 to \$150, and to increase fee for permit from \$35 to \$50, effective July 1, 2007; P.A. 09-177 amended Subsec. (b) to delete former Subdiv. (3) re filing of a bond and make a technical change,

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effective January 1, 2011; June Sp. Sess. P.A. 09-3 amended Subsec. (b) to increase fees, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 17, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Annotation to former section 29-97:

Cited. 2 CA 680.

Annotations to present section:

A firework falls within limited exemption for sparklers and fountains only if principal pyrotechnic effect is pyrotechnic effect that legislature has expressly permitted. 285 C. 192.

Cited. 2 CA 680.

Subsec. (a):

Cited. 221 C. 788.

Sec. 29-358. (Formerly Sec. 29-98). (Note: This section is repealed, effective January 1, 2013.) Bond.

The chief executive authority of the municipality shall require a bond of one thousand dollars from the applicant for such permit conditioned on compliance with the provisions of section 29-357, provided no municipality shall be required to file such bond.

(1953, S. 1518c; 1955, S. 2008d; P.A. 09-177, S. 25; P.A. 10-54, S. 6.)

History: Sec. 29-98 transferred to Sec. 29-358 in 1983; P.A. 09-177 repealed section, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 25, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Sec. 29-359. (Formerly Sec. 29-99). Financial responsibility, liability insurance policy. (a) Before any person, firm or corporation or any agent or employee thereof may conduct a fireworks display or use pyrotechnics for indoor special effects, such person, firm or corporation shall furnish proof of financial responsibility to satisfy claims for damages on account of any physical injury or property damage which may be suffered by any person by reason of any act or omission on the part of such person, firm or corporation, any agent or employee thereof, any independent contractor firing the display or using such pyrotechnics, any fair or exposition association, any sponsoring organization or committee, any owner or lessee of any premises used by the named insured and any public authority granting a permit to the named insured, in the form of a liability insurance policy evidenced by a certificate of insurance filed with the Insurance Commissioner at least fifteen days prior to the date of display or use and acceptable to the commissioner. Such policy shall cover public liability arising out of the operation of the fireworks display or from the use of pyrotechnics for special effects in the minimum amount of one million dollars per accident for bodily injury and property damage, and shall not limit coverage within the applicable statutory period of covered liability. The insurer issuing such policy shall agree in writing to deliver to the Insurance Commissioner not less than ten days' written notice of any cancellation of such insurance which is to become effective prior to the termination of the display or use.

(b) The Commissioner of Public Safety shall adopt regulations in accordance with the provisions of chapter

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54 defining the term "pyrotechnics" for purposes of subsection (a) of this section.

(1955, S. 2009d; P.A. 73-484, S. 1, 2; P.A. 75-382, S. 1, 4; P.A. 76-30, S. 5, 6; P.A. 77-614, S. 163, 610; P.A. 79-317, S. 1, 2; P.A. 80-482, S. 185, 348; P.A. 85-8.)

History: P.A. 73-484 rephrased provisions to specify that proof of financial responsibility is to be a liability insurance policy without exception and set forth required minimum coverages; P.A. 75-382 increased minimum coverage: Per person, from \$50,000 to \$100,000, per accident for bodily injury from \$300,000 to \$1,000,000 and per accident for property damage from \$50,000 to \$100,000; P.A. 76-30 required that certificate of insurance be filed with insurance commissioner at least 15 days before date of display; P.A. 77-614 placed insurance commissioner within the department of business regulation and made insurance department a division within the department of business regulation, effective January 1, 1979; P.A. 79-317 made provisions applicable to independent contractors who fire displays, fair or exposition associations, sponsors, owners or lessees of premises used and public authorities who grant permits, deleted per person minimum coverage requirement and included property damage under per accident coverage requirement previously applicable only to bodily injury, specifying that policy "shall not limit coverage within the applicable statutory period of covered liability"; P.A. 80-482 deleted reference to abolished department of business regulation, restoring insurance division as an independent department; Sec. 29-99 transferred to Sec. 29-359 in 1983; P.A. 85-8 required persons using pyrotechnics for indoor special effects to furnish proof of financial responsibility in the form of a liability insurance policy prior to use and added Subsec. (b) requiring public safety commissioner to adopt regulations defining "pyrotechnics".

Sec. 29-360. (Formerly Sec. 29-100). Permit for nonresident. No permit shall be issued under the provisions of section 29-357 to a nonresident person, firm or corporation conducting a fireworks display in this state until such person, firm or corporation has appointed in writing the Secretary of the State and his successors in office to be his attorney upon whom all process in any action or proceeding against him may be served; and in such writing such person, firm or corporation shall agree that any process against such person, firm or corporation which is served on said secretary shall be of the same legal force and validity as if served on the person, firm or corporation, and that such appointment shall continue in force as long as any liability remains outstanding against such person, firm or corporation in this state. Such written appointment shall be acknowledged before some officer authorized to take acknowledgments of deeds and shall be filed in the office of said secretary. Copies certified by him shall be sufficient evidence of such appointment and agreement. Service upon said attorney shall be sufficient service upon the principal, and shall be made by leaving an attested copy of the process with the Secretary of the State at his office, or with any clerk having charge of the Corporations Division of said office. When legal process against any person, firm or corporation is served upon the Secretary of the State under this section, he shall immediately notify such person, firm or corporation by mail and shall, within two days after such service, forward in the same manner a copy of the process served on him to such person, firm or corporation or to any person designated in writing by such person, firm or corporation. The plaintiff in the process so served shall pay to the secretary, at the time of service, a fee of one and one-half dollars for each page, and in no case less than five dollars, which shall be recovered by him as part of his taxable costs if he prevails in such suit. The secretary shall keep a record of all process served upon him, which record shall show the date and the hour when such service was made.

(1955, S. 2010d; 1961, P.A. 517, S. 81.)

History: 1961 act raised per page fee from \$0.75 to \$1.50 and minimum charge from \$2.00 to \$5.00; Sec. 29-100 transferred to Sec. 29-360 in 1983.

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Sec. 29-361. (Formerly Sec. 29-101). Exceptions. Nothing in sections 29-356 to 29-366, inclusive, shall be construed to prohibit the sale by any resident manufacturer, wholesaler, dealer or jobber, at wholesale, of such fireworks as are not herein prohibited, or the sale of any kind of fireworks, provided the same are to be shipped directly out of state, in accordance with United States Department of Transportation regulations covering the transportation of explosives and other dangerous articles by motor, rail and water; or the possession, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, or of illuminating devices for photographic use, or of illuminating torches for parades or ceremonial events, nor shall the provisions of said sections apply to the military or naval forces of the United States or the armed forces of the state, or to peace officers in the performance of their official duties, nor prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events or for training dogs, or the use of fireworks solely for agricultural purposes under conditions approved by the local or State Fire Marshal.

(1953, 1955, S. 2011d; P.A. 94-188, S. 15; P.A. 10-32, S. 100.)

History: Sec. 29-101 transferred to Sec. 29-361 in 1983; P.A. 94-188 deleted "Interstate Commerce Commission" and inserted "Department of Transportation" in lieu thereof and added "in the performance of their official duties" after "peace officers"; P.A. 10-32 made a technical change, effective May 10, 2010.

Sec. 29-362. (Formerly Sec. 29-102). Seizure and destruction of fireworks. The State Fire Marshal or a local fire marshal shall seize, take, store, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, held or kept in violation of sections 29-356 to 29-366, inclusive. When any fireworks have been seized, the superior court having jurisdiction, shall expeditiously cause to be left at the place where such fireworks were seized, if such place is a dwelling house, store, shop or other building, and also to be left with or at the usual place of abode of the person named therein as the owner or keeper of such fireworks, a summons notifying him or her and all others whom it may concern to appear before such court, at a place and time named in such notice, which time shall be not less than six nor more than twelve days after the posting and service thereof, then and there to show cause, if any, why such fireworks should not be adjudged a nuisance. Such summons shall describe such articles with reasonable certainty, and state when and where the same were seized. If any person named in such summons or any person claiming any interest in the same appears, he or she shall be made a party defendant in such case. The informing officer or the complainants may appear and prosecute such complaint and, if the court finds the allegations of such complaint to be true and that such fireworks or any of them have been kept in violation of any provision of sections 29-356 to 29-366, inclusive, judgment shall be rendered that such articles are a nuisance, and execution shall issue that the same be destroyed together with the crates, boxes or vessels containing the same. The court shall not require storage of the fireworks pending final disposition of the case and shall order the fireworks to be destroyed upon their being inventoried, photographed and described in a sworn affidavit. Such inventory, photograph, description and sworn affidavit shall be sufficient evidence for the purposes of identification of the seized items at any subsequent court proceeding.

(1953, 1955, S. 2012d; 1959, P.A. 28, S. 63; 1971, P.A. 139; P.A. 74-183, S. 262, 291; P.A. 76-436, S. 225, 681; P.A. 03-231, S. 6; P.A. 07-246, S. 4.)

History: 1959 act changed jurisdiction from trial justices and municipal courts to circuit court; 1971 act deleted requirement that notice of seizure be posted "upon the public signpost of the town wherein such fireworks were seized"; P.A. 74-183 replaced circuit court with court of common pleas; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; Sec. 29-102 transferred to Sec. 29-362 in

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1983; P.A. 03-231 required local fire marshal to seize, store or remove all fireworks or combustibles offered or exposed for sale, stored, held or kept in violation of Secs. 29-356 to 29-366, inclusive, and made technical changes for the purpose of gender neutrality, effective July 9, 2003; P.A. 07-246 replaced provision requiring that summons be left within 48 hours after seizure with provision re leaving summons "expeditiously" and added provisions allowing for destruction of fireworks and providing that specified evidence is sufficient for identification of fireworks.

Sec. 29-363. (Formerly Sec. 29-103). Expense of transportation and storage of seized fireworks. In any proceeding under section 29-362, if the judgment is against one defendant only, he shall pay the expense of the transportation and storage incurred in the seizure and detention of the fireworks claimed by him; but if the judgment is against more than one defendant, claiming distinct interests in such fireworks, such expense shall be apportioned among them by the court, and execution on such judgment may be issued against the accused. If judgment is rendered that such fireworks do not constitute a nuisance, the court shall issue a warrant to some proper officer, directing him to restore such fireworks, with the containers thereof, to the place where they were seized, as nearly as possible, or to the person entitled to receive them. All such proceedings shall be proceedings in rem and may be issued and served at any time and shall be conducted as civil actions, and the defendant shall have the same right of appeal.

(1955, S. 2013d.)

History: Sec. 29-103 transferred to Sec. 29-363 in 1983.

Sec. 29-364. (Formerly Sec. 29-104). Licenses. Denial, suspension or revocation. No person, firm or corporation may engage in the business of manufacturer, wholesaler, dealer or jobber of fireworks, under the provisions of section 29-361, until such manufacturer, wholesaler, dealer or jobber has received a license therefor for each location where the business is to be conducted. All licenses shall be issued upon receipt of the application therefor upon license forms provided by the State Fire Marshal, which forms shall include such information as said marshal requires. The State Fire Marshal shall prescribe the number of copies of each license form to be executed and the distribution of such copies. No license shall be issued until the location has been inspected by the licensing authority and unless reasonable precautions have been taken to eliminate hazards to life and property. All licenses issued under the provisions of this section shall be used only by the person, firm or corporation to whom they are issued and shall not be transferable. The State Fire Marshal may refuse to issue such a license if the State Fire Marshal determines that the applicant has previously been convicted of a felony or misdemeanor as a result of a violation of any provision of state or federal law relating to the use, transport, sale, manufacture, storage or possession of explosives, fireworks, explosive devices, illegal drugs or controlled substances. Any license issued under the provisions of this section may be suspended or revoked by the licensing authority, after notice and opportunity for hearing, for any violation by the licensee of any provision of the general statutes or any regulation or ordinance relating to fireworks or conviction of such licensee of any felony or misdemeanor as a result of a violation of any provision of state or federal law relating to the use, transport, sale, manufacture, storage, or possession of explosives, fireworks, explosive devices, illegal drugs or controlled substances.

(1955, S. 2014d; P.A. 99-24, S. 2.)

History: Sec. 29-104 transferred to Sec. 29-364 in 1983; P.A. 99-24 added provisions for denial, suspension or revocation of license.

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Sec. 29-365. (Formerly Sec. 29-105). License fees. The fee to be paid to the licensing authority upon each application shall be as follows: For a fireworks manufacturing license, two hundred dollars; for a dealer, wholesaler and jobber, two hundred dollars. Fees collected by the State Fire Marshal shall be paid to the State Treasurer.

(1955, S. 2015d; June Sp. Sess. P.A. 07-1, S. 152.)

History: Sec. 29-105 transferred to Sec. 29-365 in 1983; June Sp. Sess. P.A. 07-1 increased fees for licensure from \$100 to \$200 and from \$50 to \$200, effective July 1, 2007.

Sec. 29-366. (Formerly Sec. 29-106). *(See end of section for amended version and effective date.)
Penalty. Any person, firm or corporation violating the provisions of sections 29-358 to 29-365, inclusive, shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned.

(1953, S. 2016d; P.A. 84-228, S. 2.)

***Note:** On and after January 1, 2013, this section, as amended by section 24 of public act 09-177 and section 6 of public act 10-54, is to read as follows:

"Sec. 29-366. (Formerly Sec. 29-106). Penalty. Any person, firm or corporation violating the provisions of sections 29-359 to 29-365, inclusive, shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned."

(1953, S. 2016d; P.A. 84-228, S. 2; P.A. 09-177, S. 24; P.A. 10-54, S. 6.)

History: Sec. 29-106 transferred to Sec. 29-366 in 1983; P.A. 84-228 replaced reference to Sec. 29-356 with Sec. 29-358 to reflect incorporation of separate penalty provisions in Sec. 29-356; P.A. 09-177 deleted reference to Sec. 29-358 and made a conforming change, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 24, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Sec. 29-367. (Formerly Sec. 29-106q). *(See end of section for amended version and effective date.)
Regulation of model rocketry. (a) The Commissioner of Public Safety shall make and enforce, and may amend, reasonable regulations concerning the safe design, construction, manufacture, testing, certification, storage, sale, shipping, operation and launching of rockets propelled by rocket motors, including, but not limited to, solid, liquid and cold propellant, hybrid, steam or pressurized liquid rocket motors. In adopting such regulations, said commissioner may be guided by recognized national standards for the prevention of injury to life and damage to property and protection of hazards incident to the design, construction, manufacture, testing, storage, sale, shipping, operation and launching of such rockets.

(b) Such regulations shall not apply to (1) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with a rocket or rocket motor when carried on by or engaged in by the government of the United States or any state government, any college, university or other institution of higher learning, any individual, firm, partnership, joint venture, corporation, or other business entity engaged in research, development, production, test, maintenance, or supply of rockets, rocket motors, rocket propellants, or rocket components as a business under contract to or for the purposes of sale to any government, college, university, institution of higher learning, or other similarly

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engaged business entity; or (2) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with rocket-propelled model aircraft which sustain themselves against gravity by aerodynamic lifting surfaces during the entire duration of their flight in the air, or to the rocket motors that provide propulsion therefor.

(1969, P.A. 781, S. 1; P.A. 73-13, S. 1, 3; P.A. 76-247, S. 1, 3; P.A. 77-614, S. 486, 610.)

***Note:** On and after January 1, 2013, this section, as amended by section 18 of public act 09-177 and sections 4 and 6 of public act 10-54, is to read as follows:

"Sec. 29-367. (Formerly Sec. 29-106q). Regulation of rockets. (a) The Commissioner of Public Safety shall adopt, and may amend, reasonable regulations, in accordance with the provisions of chapter 54, concerning the safe design, construction, manufacture, testing, certification, storage, sale, shipping, operation and launching of rockets propelled by rocket motors, including, but not limited to, solid, liquid and cold propellant, hybrid, steam or pressurized liquid rocket motors. Such regulations shall be incorporated into the State Fire Prevention Code and include provisions for the prevention of injury to life and damage to property and protection of hazards incident to the design, construction, manufacture, testing, storage, sale, shipping, operation and launching of such rockets. The commissioner shall enforce such regulations.

(b) Such regulations shall not apply to (1) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of or any activity in connection with a rocket or rocket motor when carried on by or engaged in by the government of the United States or any state government, any college, university or other institution of higher learning, any individual, firm, partnership, joint venture, corporation or other business entity engaged in research, development, production, test, maintenance or supply of rockets, rocket motors, rocket propellants or rocket components as a business under contract to or for the purposes of sale to any government, college, university, institution of higher learning or other similarly engaged business entity; or (2) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of or any activity in connection with rocket-propelled model aircraft which sustain themselves against gravity by aerodynamic lifting surfaces during the entire duration of their flight in the air, or to the rocket motors that provide propulsion therefor."

(1969, P.A. 781, S. 1; P.A. 73-13, S. 1, 3; P.A. 76-247, S. 1, 3; P.A. 77-614, S. 486, 610; P.A. 09-177, S. 18; P.A. 10-54, S. 4, 6.)

History: P.A. 73-13 transferred regulation power from commissioner of state police to commissioner of consumer protection; P.A. 76-247 restored transferred power to commissioner of state police; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-106q transferred to Sec. 29-367 in 1983; P.A. 09-177 amended Subsec. (a) to add reference to Ch. 54, delete reference to national standards, and add requirement that regulations be incorporated into State Fire Prevention Code, effective January 1, 2011; P.A. 10-54 made technical changes, effective January 1, 2013, and changed effective date of P.A. 09-177, S. 18, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Sec. 29-368. (Formerly Sec. 29-106r). (Note: This section is repealed, effective January 1, 2013.)
Variations and exemptions. The Commissioner of Public Safety may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of section 29-367 where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved

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equivalent or alternate compliance shall, in the opinion of said commissioner, secure the public safety.

(1969, P.A. 781, S. 2; P.A. 73-13, S. 2, 3; P.A. 76-247, S. 2, 3; P.A. 77-614, S. 486, 610; P.A. 09-177, S. 25; P.A. 10-54, S. 6.)

History: P.A. 73-13 transferred powers of commissioner of state police to commissioner of consumer protection; P.A. 76-247 restored transferred powers to commissioner of state police; P.A. 77-614 replaced commissioner of state police with commissioner of public safety, effective January 1, 1979; Sec. 29-106r transferred to Sec. 29-368 in 1983; P.A. 09-177 repealed section, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 25, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Sec. 29-369. (Formerly Sec. 29-106s). (Note: This section is repealed, effective January 1, 2013.)

Appeal. Any person aggrieved by any such regulation or any act of said commissioner in enforcing the same may apply for relief to the superior court for the judicial district of Hartford or for the judicial district in which such person resides, or if such court is not in session, to any judge thereof, which court or judge may grant appropriate relief.

(1969, P.A. 781, S. 3; P.A. 74-183, S. 263, 291; P.A. 76-436, S. 226, 681; P.A. 78-280, S. 1, 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 09-177, S. 25; P.A. 10-54, S. 6.)

History: P.A. 74-183 added reference to judicial districts; P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 78-280 deleted general reference to counties and substituted "judicial district of Hartford-New Britain" for "Hartford county"; Sec. 29-106s transferred to Sec. 29-369 in 1983; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 09-177 repealed section, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 25, from January 1, 2011, to January 1, 2013, effective May 18, 2010.

Sec. 29-370. (Formerly Sec. 29-106t). (Note: This section is repealed, effective January 1, 2013.)

Penalty. Any person who, by himself or his employee or agent, or as the employee or agent of another, violates or fails to comply with any regulation promulgated under section 29-367, shall be fined not more than five hundred dollars or imprisoned not more than one year or both.

(1969, P.A. 781, S. 4; P.A. 09-177, S. 25; P.A. 10-54, S. 6.)

History: Sec. 29-106t transferred to Sec. 29-370 in 1983; P.A. 09-177 repealed section, effective January 1, 2011; P.A. 10-54 changed effective date of P.A. 09-177, S. 25, from January 1, 2011, to January 1, 2013, effective May 18, 2010.