

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control 482 Department or Agency Department of Insurance\*

Rule No. 482-2-110

Rule Title: Destructive Device Permit Requirements.

New     Amend     Repeal     Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A\*

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? N/A\*

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A\*

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? N/A\*

Is the increase in costs, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A\*

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? N/A\*

\*\*\*\*\*

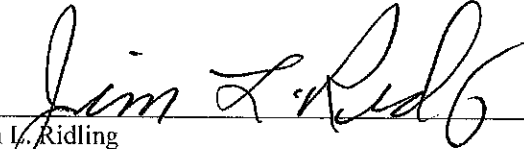
Does the proposed rule have an economic impact? N/A\*

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

**Certification of Authorized Official**

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Sections 27-2-17 and 27-7-43, Code of Alabama 1975, and that it complies with all applicable filing requirements of the Alabama Insurance Code.\*

Signature of certifying officer   
Jim L. Ridling  
Commissioner of Insurance

Date: September 20, 2017

\*Note: *The Alabama Department of Insurance is exempt from the Alabama Administrative Procedures Act pursuant to Section 41-22-2(e), Code of Alabama 1975.*

Alabama Department of Insurance

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Department of Insurance

**RULE NO. & TITLE:** Rule 482-2-110: Destructive Device Permit Requirements.

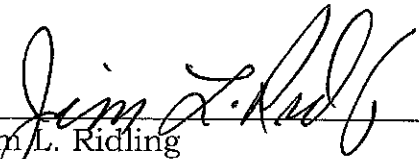
**INTENDED ACTION:** Adopt new rule.

**SUBSTANCE OF PROPOSED ACTION:** The State Fire Marshal proposes to adopt a new rule to set forth the requirements to implement the provisions of Section 36-19-2.1, Code of Alabama 1975. The new rule will become effective November 25, 2017.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Interested persons may submit data, views, or arguments in writing at any time prior to November 8, 2017, to the Alabama Department of Insurance, Attention: Legal Division, Post Office Box 303351, Montgomery, Alabama 36130-3351, or orally by appearing at the public hearing, Suite 502, RSA Tower, 201 Monroe Street, Montgomery, Alabama, beginning at 10:00 PM, on November 15, 2017.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
November 8, 2017

**CONTACT PERSON AT AGENCY:** Reyn Norman  
General Counsel

  
\_\_\_\_\_  
Jim L. Ridling  
Commissioner of Insurance

**ALABAMA DEPARTMENT OF INSURANCE  
STATE FIRE MARSHAL REGULATION**

**CHAPTER 482-2-110**

**DESTRUCTIVE DEVICE PERMIT REQUIREMENTS**

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1 **482-2-110-.01 Authority, Purpose, Definition, Severability, and**  
2 **Effective Date.**

3 (1) This chapter is adopted pursuant to Sections 27-2-17  
4 (1975) and 36-19-2.1, Code of Alabama 1975.

5 (2) The purpose of this chapter is to adopt the rules  
6 necessary to implement the provisions of Section 36-19-2.1,  
7 Code of Alabama 1975.

8 (3) For purposes of this chapter, "Destructive Device"  
9 shall have the meaning ascribed in Section 13A-10-190, Code of  
10 Alabama 1975.

11 (4) The provisions of this chapter are severable. If any  
12 provision or the application thereof to any person or  
13 circumstance is held invalid for any reason, the invalidity  
14 shall not affect the other provisions or any other application  
15 of this chapter which can be given effect without the invalid  
16 provisions or application.

17 (5) This chapter shall be effective upon its approval by  
18 the Commissioner of Insurance and upon its having been on file  
19 as a public document in the office of the Secretary of State  
20 for ten days.

21 **Author:** State Fire Marshal

22 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17 & 36-

1 19-2.1

2 **History:** New November 15, 2017, Effective November 25, 2017

3 **482-2-110-.02. Qualifications and Form.**

4 (1) The qualifications for a permit to manufacture a  
5 destructive device are as follows:

6 (a) The applicant must be at least twenty-one (21) years  
7 of age.

8 (b) The applicant must be a legal resident of the State  
9 of Alabama, as indicated by a lawfully issued Alabama drivers  
10 license or non-driver identification card.

11 (c) The applicant must submit to a criminal background  
12 investigation.

13 (d) The applicant must not have been convicted of a  
14 felony or of any misdemeanor involving domestic violence.

15 (e) The applicant must demonstrate he or she has no drug  
16 or alcohol addictions.

17 (f) The applicant shall not intend to sell any  
18 destructive device to be manufactured nor intend to be paid to  
19 shoot or display any products to be made.

20 (2) The form to apply for a permit to manufacture  
21 destructive devices will be provided on the Website of the

1 Alabama State Fire Marshal and will require, in addition to  
2 applicant identification information, the following:

3 (a) A statement of the purpose and need for the permit.

4 (b) The name of the device to be manufactured.

5 (c) The chemical formula or recipe for the device to be  
6 manufactured.

7 (d) The physical address of the location to be used to  
8 manufacture the destructive device.

9 (3) The applicant must demonstrate a lawful purpose for  
10 the device to be manufactured.

11 (4) An applicant shall file a separate application for  
12 permit for each chemical formula or recipe to be manufactured.

13 (5) Prior to approval of a permit, the physical location  
14 to be used in the manufacturing of the destructive device  
15 shall pass a building and fire code inspection.

16 (6) The applicant must possess a license from the Bureau  
17 of Alcohol, Tobacco and Firearms if required by federal law  
18 regarding possession, storage or transportation of explosives.

19 **Author:** State Fire Marshal

20 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17 & 36-  
21 19-2.1

22 **History:** New November 15, 2017, Effective November 25, 2017

1 **482-2-110-.03 Permit Fees.** The State Fire Marshal hereby sets  
2 the following fees as are declared necessary for the  
3 administration and enforcement of Section 36-19-2.1, Code of  
4 Alabama 1975, relating to the manufacture of destructive  
5 devices:

6 (a) Initial application for permit. .... \$360.00

7 (b) Annual renewal of permit. .... \$240.00

8 **Author:** State Fire Marshal  
9 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17 & 36-  
10 19-2.1  
11 **History:** New November 15, 2017, Effective November 25, 2017

12 **482-2-110-.04 Storage, Weights and Amounts.** Permit holders  
13 shall be allowed to manufacture any amount of approved explosive  
14 compound, pyrotechnic compound, or energetic compound which can  
15 be reasonably expected to be used in one day, provide said  
16 permit holder has an approved storage container and has met all  
17 other existing state and federal storage requirements.

18 **Author:** State Fire Marshal  
19 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17 & 36-  
20 19-2.1  
21 **History:** New November 15, 2017, Effective November 25, 2017

1 **482-2-109-.05 Revocation of Permit.**

2 (1) The Alabama State Fire Marshal shall revoke any  
3 permit for just cause shown, for any one or more of the  
4 following:

5 (a) If a permit holder is convicted of a felony or any  
6 misdemeanor involving domestic violence.

7 (b) The permit holder is shown to have a drug or alcohol  
8 addiction.

9 (c) If it is determined a permit holder is selling  
10 destructive devices manufactured under a permit or is being  
11 paid to shoot or otherwise display any products manufactured  
12 under a permit.

13 (d) For any cause for which issuance of the permit could  
14 have been refused had it then existed and been known to the  
15 State Fire Marshal.

16 (2) The Alabama State Fire Marshal will investigate all  
17 complaints against permit holders, including but not limited  
18 to those for excessive noise, property damage, nuisance,  
19 public safety, improper storage or no storage, discharging  
20 products during a Burn Ban, or use of explosive compounds  
21 pyrotechnic compounds or energetic compounds in a criminal  
22 manner.



1           (3) For any individual holding more than one permit, if  
2 one permit is revoked, all permits will be revoked.

3 **Author:** State Fire Marshal

4 **Statutory Authority:** Code of Alabama 1975, §§ 27-2-17 & 36-  
5 19-2.1

6 **History:** New November 15, 2017, Effective November 25, 2017