



ADMINISTRATIVE RULES OF MONTANA



17.24.1263 SUSPENSION OR REVOCATION OF BLASTER CERTIFICATION

- (1) The following are grounds for suspension or revocation of blaster certification:
 - (a) failure to comply with any order of the department;
 - (b) conviction of criminal possession or sale of dangerous drugs;
 - (c) unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs;
 - (d) violation of any state or federal explosives laws or regulations;
 - (e) providing of false information or a misrepresentation to obtain certification;
 - (f) failure to present blaster certification upon request of the department or Federal Coal Regulatory Authority personnel;
 - (g) delegating responsibility to any individual who is not a certified blaster;
 - (h) storage, transportation, or use of explosives in a manner that could threaten life or limb or cause environmental harm.
- (2) If the department finds that a certified blaster has committed one or more of the acts prohibited in (1), the department may, and upon a finding of willful conduct shall, suspend or revoke the certification of the blaster. The department shall determine whether to suspend or revoke and the length of suspension on the basis of determination of reasonable necessity to protect human life or limb and to prevent environmental degradation.
- (3) If the department has probable cause to believe that a certified blaster has committed any of the acts prohibited in (1) and that the blaster's certification should or must be suspended or revoked, the department shall notify the blaster and his employer in writing by certified mail at the address contained in the blaster's application for certification or at a subsequent address of which the blaster has notified the department in writing. The blaster does not defeat service by refusing to accept or failing to pick up the notice. The notice must advise the blaster of the department's proposed action, the alleged facts upon which the proposed action is based, and the blaster's right to request a contested case hearing before the Board of Environmental Review. If the department determines that suspension of the blaster's certification is reasonably necessary in order to protect human life or limb or the environment, it may suspend the certification until the hearing is held; provided, however, that no such suspension may be in effect for longer than 45 days. At the close of the hearing, the hearing officer may, based on a finding that the department will probably prevail and that continued suspension is reasonably necessary, continue the suspension until a final decision is made.

Authorizing statute(s): 82-4-205, 82-4-231, MCA

Implementing statute(s): 82-4-231, MCA

History: NEW, 1984 MAR p. 1373, Eff. 9/14/84; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2024 MAR p. 260, Eff. 2/10/24.