



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4115

by Rep. Jonathan Carroll

SYNOPSIS AS INTRODUCED:

225 ILCS 210/1003
225 ILCS 210/1005

from Ch. 96 1/2, par. 1-1003

Amends the Illinois Explosives Act. Provides that the definition of "explosive" includes pre-packaged explosive components. Defines "pre-packaged explosive components". Provides that it is not a violation of the Act for an individual to use, purchase, possess, dispose, or transfer pre-packaged explosive components if the individual has applied for a license under the Act within 90 days after the effective date of the amendatory Act, unless the application has been denied by the Department of Natural Resources. Effective immediately.

LRB100 15087 SMS 29930 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Explosives Act is amended by
5 changing Sections 1003 and 1005 as follows:

6 (225 ILCS 210/1003) (from Ch. 96 1/2, par. 1-1003)

7 Sec. 1003. Definitions. As used in this Act:

8 (a) "Person" means any individual, corporation, company,
9 association, partnership, or other legal entity.

10 (b) "Explosive materials" means explosives, blasting
11 agents, and detonators.

12 (c) "Explosive" means any chemical compound, mixture, or
13 device (1) the primary or common purpose of which is to
14 function by explosion and (2) that is classified as a Division
15 1.1, 1.2, or 1.3 material under 49 CFR 173.50, as now or
16 hereafter amended, renumbered, or succeeded. The term includes
17 high and low explosives. "Explosive" includes pre-packaged
18 explosive components.

19 (d) "Blasting agent" means any material or mixture that (1)
20 consists of a fuel and oxidizer intended for blasting, not
21 otherwise defined as an explosive, provided that the finished
22 product, as mixed and packaged for use or shipment, cannot be
23 detonated by means of a No. 8 blasting cap, as defined by the

1 Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S.
2 Department of Treasury, when unconfined and (2) is classified
3 as a Division 1.5 material under 49 CFR 173.50, as now or
4 hereafter amended, renumbered, or succeeded.

5 (d-5) "Crime punishable by imprisonment for a term
6 exceeding one year" does not mean (1) any federal or state
7 offenses pertaining to antitrust violations, unfair trade
8 practices, restraint of trade, or similar offenses relating to
9 the regulation of business practices as the Secretary of the
10 Treasury may by regulation designate or (2) any State offense,
11 other than one involving a firearm or explosive, classified by
12 the laws of the State as a misdemeanor or punishable by a term
13 of imprisonment of 2 years or less.

14 (e) "Detonator" means any device that (1) contains any
15 initiating or primary explosive that is used for initiating
16 detonation and (2) is classified as Division 1.1 or 1.4
17 material under 49 CFR 173.50, as now or hereafter amended,
18 renumbered, or succeeded. A detonator may not contain more than
19 10 grams of total explosives by weight, excluding ignition or
20 delay charges.

21 (f) "Highway" means any public street, public road, or
22 public alley and includes privately financed, constructed, or
23 maintained roads that are regularly and openly traveled by the
24 general public.

25 (g) "Railroad" or "railway" means any public steam,
26 electric or other railroad or rail system which carries

1 passengers for hire, but shall not include auxiliary tracks,
2 spurs and sidings installed and primarily used in serving any
3 mine, quarry or plant.

4 (h) "Building" means and includes any building regularly
5 occupied, in whole or in part, as a habitation for human
6 beings, and any church, schoolhouse, railway station or other
7 building where people are accustomed to assemble, but does not
8 mean or include any buildings of a mine or quarry or any of the
9 buildings of a manufacturing plant where the business of
10 manufacturing explosive materials is conducted.

11 (i) "Factory building" means any building or other
12 structure in which the manufacture or any part of the
13 manufacture of explosive materials is conducted.

14 (j) "Magazine" means any building or other structure or
15 container, other than a factory building, used to store
16 explosive materials. Where mobile or portable type 5 magazines
17 are permissible and used, "magazine", for the purpose of
18 obtaining certificates and calculating fees, means the site on
19 which such magazines are located.

20 (k) "Magazine keeper" means a qualified supervisory person
21 licensed by the Department under Article 2 of this Act who is
22 responsible for the acquisition, storage, use, possession,
23 transfer, and disposal of explosive materials, including
24 inventory and transaction records, and the proper maintenance
25 of explosive materials, storage magazines, and surrounding
26 areas.

1 (l) "Black powder" means a deflagrating or low explosive
2 compound of an intimate mixture of sulfur, charcoal and an
3 alkali nitrate, usually potassium or sodium nitrate.

4 (m) "Municipality" means cities, villages, incorporated
5 towns, and townships.

6 (n) "Fugitive from justice" means any individual who has
7 fled from the jurisdiction of any court of record to avoid
8 prosecution for any crime or to avoid giving testimony in any
9 criminal proceeding. This term shall also include any
10 individual who has been convicted of any crime and has fled to
11 avoid imprisonment.

12 (o) "Department" means the Department of Natural
13 Resources.

14 (p) (Blank).

15 (q) "Director" means the Director of Natural Resources.

16 (r) "Storage certificate" means the certificate issued by
17 the Department under Article 3 of this Act that authorizes the
18 holder to store explosive materials in the magazine for which
19 the certificate is issued.

20 (s) "License" means that license issued by the Department
21 under Article 2 of this Act authorizing the holder to possess,
22 use, purchase, transfer or dispose of, but not to store,
23 explosive materials.

24 (t) "Transfer" of explosive materials means to sell, give,
25 distribute, or otherwise dispose of explosive materials.

26 (u) "Use" of explosive materials means the detonation,

1 ignition, deflagration, or any other means of initiating
2 explosive materials.

3 (v) "Disposal" of explosive materials means to render inert
4 pursuant to manufacturer's recommendations or commonly
5 accepted industry standards.

6 (w) "BATFE" means the federal Bureau of Alcohol, Tobacco,
7 Firearms and Explosives.

8 (x) "Pre-packaged explosive components" means a
9 pre-packaged product containing 2 or more unmixed,
10 commercially manufactured chemical substances that are not
11 independently classified as explosives but which when mixed or
12 combined, results in an explosive material subject to
13 regulation by the federal Bureau of Alcohol, Tobacco, Firearms,
14 and Explosives under Title 27 CFR Part 555.

15 (Source: P.A. 96-1194, eff. 1-1-11.)

16 (225 ILCS 210/1005)

17 Sec. 1005. Exemptions.

18 (a) This Act does not apply to any aspect of the
19 transporting of explosive materials via railroad, water,
20 highway, or air that is regulated by the United States
21 Department of Transportation and agencies thereof, or state
22 agencies with similar jurisdiction, and which pertains to
23 safety.

24 A person who is licensed under Article 2 of this Act or
25 holds a storage certificate under Article 3 of this Act may

1 transfer explosive materials to a non-resident of Illinois if
2 the transfer is limited to the purpose of transporting the
3 explosive materials. The non-resident may not use or store
4 explosive materials within Illinois unless he or she is
5 licensed under Article 2 of this Act or holds a storage
6 certificate under Article 3 of this Act.

7 (b) This Act does not apply to an agricultural fertilizer
8 if the use of the agricultural fertilizer is for agricultural
9 or horticultural purposes.

10 (c) This Act does not apply to the possession, use,
11 purchase, transfer, storage, or disposal of explosive material
12 by United States military or other agencies of the United
13 States; or to arsenals, navy yards, depots, or other
14 establishments owned or operated by the United States.

15 (d) Government agencies and their employees that are (1)
16 subject to the requirements of this Act and, (2) in the
17 exercise of their official emergency response functions, are
18 required to store, use, or possess explosive materials, shall
19 not be subject to any fee required by this Act.

20 (e) It is not a violation of this Act for an individual to
21 use, purchase, possess, dispose, or transfer pre-packaged
22 explosive components if that individual has applied for a
23 license under this Act within 90 days after the effective date
24 of this amendatory Act of the 100th General Assembly, unless
25 the application has been denied by the Department.

26 (Source: P.A. 96-1194, eff. 1-1-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.